Washington, Tuesday, June 28, 1955

TITLE 7-AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Part 936—Fresh Bartlett Pears, Pluns, and Elberta Peaches Grown in California

EXPENSES AND RATES OF ASSESSMENT FOR 1955-56 SEASON

On May 26, 1955, notice of proposed rule making was published in the Fen-ERAL REGISTER (20 F. R. 3686) regarding the expenses and the fixing of the rates of assessment for the 1955-56 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) After consideration of all relevant matters presented, including the proposals which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice. it is hereby found and determined that:

§ 936.209 Expenses and rates of assessment for the 1955-56 season—(a) Expenses. The expenses likely to be incurred by the Control Committee during the 1955-56 season beginning March 1, 1955, and ending February 29, 1956, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, \$25,861.04;

(2) Early varieties of plums, \$17,-132.71,

(3) Late varieties of plums, \$18,359.75, and

(4) Elberta peaches, \$20,631.50.

(b) Rates of assessment. The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 8½ mills (\$0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 9 mills (\$0.009) per standard fourbasket crate of early varieties of plums, or its equivalent in other containers or in bulk:

(3) 9 mills (\$0.009) per standard fourbasket crate of late varieties of plums, or its equivalent in other containers or in bulk, and

(4) 4 mills (\$0.004) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the Federal Register (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1955-56 season; (2) shipments of plums have already commenced and shipments of Elberta peaches are expected to begin on or about June 25, 1955, with shipments of Bartlett pears following on or about July 10, 1955; (3) the provisions hereof do not impose any obligation on a handler until such handler ships plums, Elberta peaches or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 608c)

Dated: June 23, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-5145; Filed, June 27, 1955; 8:53 a. m.]

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Title 32A, Revised Dec. 31, 1954 (\$1.50)

Title 38 (\$2,00)

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LIMITATION OF SHIPMENTS	
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Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F R. 7175; 20 F R. 2013), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis

of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the Federal Register (60-Stat. 237. 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of Califormia or in the State of Arizona.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 953.701 (Lemon Regulation 594; 20 F R. 4280) are hereby amended to read as follows:

(ii) District 2: 700 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: June 23, 1955.

S. R. SMITH, **ISEAL**7 Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5143; Filed, June 27, 1955; 8:53 a. m.]

TITLE 16—COMMERCIAL **PRACTICES**

Chapter I—Federal Trade Commission

Subchapter B-Trade Practice Conference Rules [File No. 21-431]

> PART 142-RADIO AND TELEVISION INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914; as amended (Federal Trade Commission Act) and other provisions of law administered by the Commission;

It is now ordered, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 28, 1955.

Statement by the Commission. Revised and extended trade practice rules for the Radio and Television Industry, formerly known as the Radio Receiving Set Manufacturing Industry, are promulgated by the Federal Trade Commission as hereinafter set forth.

The industry is composed of persons, firms, corporations, and organizations engaged in the manufacture, sale, or distribution in commerce of radio receiving sets, television receiving sets, or combinations thereof, or parts or accessories therefor. According to available information, retail sales of industry products aggregate nearly two and one-half billion dollars per annum.

The rules constitute a revision and extension of those promulgated for the Radio Receiving Set Manufacturing Industry on July 22, 1939. Numerous changes embodying clarification of the applicable requirements of laws administered by the Commission have been

Primary objectives of the rules are the maintenance of free and fair competition in the industry and the elimination and prevention of unfair methods of competition, unfair acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings to revise the trade practice rules as previously promulgated for the industry were instituted pursuant to industry applications. Drafts of suggested rules prepared by several industry trade associations were discussed in a trade practice conference in Washington, D. C., on June 21, 1951. A second session of the conference was held in Washington on September 26, 27, and 28 in 1951, and a draft of suggested rules prepared by the Commission's staff was used as a basis for discussion. Additional problems raised by new technical developments in the industry were presented, and in accordance with the expressed wishes of industry members a third session of the conference was held in Washington on June 18, 1952, where an all-industry committee's draft of twenty-nine suggested rules was discussed. Thereafter, proposed rules were published by the Commission and made available to all industry members and to all other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer, and to be heard in the premises. Pursuant to such notice, public hearings were held in Washington on October 8 and December 7, 1953, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the Group I rules as hereinafter set forth.

Rules 6, 9, and 12 become operative six (6) months from the date of promulgation. All of the other rules become operative thirty (30) days from date of promulgation.

These rules promulgated The rules. by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec. 142.0 Definitions.

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142.9 Deception as to size of picture.

142.10 Deception as to the convertibility of a television receiving set to services other than those for which it was originally manufactured.

142.11 Misuse of terms "discontinued model," "floor sample," "demonstrator," etc.

142.12 Deception as to being "new."
142.13 Deception as to identity of manufac-

turer when products are repaired. reconditioned, or rebuilt by other than the original manufacturer.

142.14 Misuse of terms "factory rebuilt" and "rebuilt."

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14231 Push money. 14232 Prohibited discrimination.

Authority: §§ 142.0 to 142.32, issued under sec. 6, 38 Stat. 721; 15 U.S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S. C. 45.

§ 142.0 Definitions. As used in the rules in this part, the terms "industry member" and "industry products" shall have the following meanings, respectivelv

Industry member Any person, firm, corporation, or organization engaged in the manufacture, sale, or distribution of industry products as hereinafter defined.

Industry products: Radio receiving sets, television receiving sets, combination radio and television receiving sets, or parts or accessories therefor.

General statement. The unfair trade practices embraced in the Group I rules in this part are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 142.1 Misbranding, misrepresentation, and deceptive selling methods. It is an unfair trade practice for any member of the industry, in the course of the marketing or distribution of products of the industry, (a) to use, or promote the use of, any marks, brands, labels, depictions, layouts, advertisements, prices, trade promotional descriptions, or representations of any kind, which, directly or by implication, are false, misleading, or deceptive to the purchasing or consuming public; or (b) to offer for sale, sell, or distribute, or promote the sale or distribution of, products of the industry under any other conditions or selling practices which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any material respect. [Rule 1]

§ 142.2 "All-wave," "World-wave," "World-wide wave," "standard broadcast," etc. In the application of the rules in this part, and for the purpose of avoiding confusion, misunderstanding, and deception:

(a) Except as provided in paragraph (b) of this section, the terms "all-wave," "world-wave," "world-wide wave." words, phrases, or representations denoting world-wide reception, shall not be used as descriptive of a radio receiving set advertised, offered for sale, sold, or distributed in the American market when such set is not constructed to receive and capable of receiving, with reasonable or adequate consistency, the entire respective spectrum of radio frequencies in recognized use in the art, namely, all long-wave broadcasts and transmissions, all medium-wave and short-wave broadcasts and transmissions, and all other waves transmitted or broadcast, including both foreign and domestic; excepting, however, that such set so described or represented need not include within its capacity of reception such point-to-point transmissions as are confidential and illegal for general reception and divulgence to members of the public, or such unchanging signals as emanate from radio beacons or radio lighthouses, when such set is not otherwise falsely or deceptively described or represented, directly or indirectly, as being constructed to receive, or as being capable of receiving, such point-to-point or beacon or lighthouse transmissions.

(b) Nothing contained in this section shall prohibit the use of the term "limited all-wave," "limited world-wave," "limited world-wave," "limited world-wide wave," or terms or words of similar import, as descriptive of a radio receiving set advertised, offered for sale, sold, or distributed in the American market, when such set is constructed for and capable of consistently receiving at least a continuous spectrum of frequencies from 540 kilocycles to 18,000 kilocycles, provided such terms or

words are immediately accompanied by words, phrases, or terms set forth conspicuously and clearly, unequivocally and truthfully stating the exact wave bands or frequencies which such set is capable of consistently receiving; for example:

Limited All-Wave—From 540 to 18,000 kilocycles.

Limited All-Wave—From 530 to 21,000 kilocycles

Limited World-Wave—From 540 to 18,000 kilocycles.

Limited World-Wide Wave—From 540 to 18,000 kilocycles.

Limited All-Wave—From 140 to 410 kilocycles, and from 540 to 18,000 kilocycles.

Limited World-Wave—From 540 to 18,000

kilocycles, and from 19,000 to 23,500 kilocycles.

Limited World-Wide Wave—From 150 to 400 kilocycles, and from 540 to 35,000 kilocycles.

(c) Nothing contained in this section shall prohibit the use, as descriptive of a radio receiving set, of the term "allwave" as an integral part of a clause, sentence, or statement which truthfully and unequivocally sets forth the bands or radio frequencies such set does not cover. and wherein the words "all-wave" are not given greater prominence or conspicuousness than the other parts of such clause, sentence, or statement, pro-vided such set is constructed for, and capable of receiving with reasonable or adequate consistency, all the waves or bands of frequencies from 540 to 18,000 kilocycles and such other bands or frequencies as are represented to be within its receptive capacity. The following are illustrative of such permissible phrases here provided for:

All waves except for frequencies above 21,000 kilocycles and below 540 kilocycles. All waves except Asiatic stations.

All waves except foreign and domestic frequencies above 18,000 kilocycles and below 540 kilocycles.

(d) The terms "standard-broadcast receiver," "frequency-modulation receiver" and "television receiver," as descriptive of an amplitude-modulation or a frequency-modulation radio or a television receiving set, shall not be used in such manner as to lead the public to believe that such set is constructed for, and capable of receiving with reasonable or adequate consistency, a greater number of radio or television frequency signals or channels than is in fact true of such set. [Rule 2]

§ 142.3 Specific types of advertisements or representations among those prohibited. It is an unfair trade practice for any member of the industry to use, or cause to be used, any of the followingdescribed types of advertisements or representations:

(a) Advertisements or representations stating, purporting, or implying that any radio receiving set so advertised or represented will receive distant stations or any or all foreign broadcasts or transmissions easily or satisfactorily or as easily or satisfactorily as local or domestic reception, when such is not the fact.

(b) Advertisements or representations stating, purporting, or implying that any radio or television receiving set so advertised or represented, or the reception

thereof, is not subject to interference or to being interfered with or interrupted by fading, noise, electrical interference, atmospheric conditions, static, or any other phenomena or conditions, when such is not the fact.

(c) Advertisements or representations with respect to the receiving capacity or performance of any radio or television receiving set which make deceptively exaggerated or misleading claims, or claims which are not justified and supported by the fact or performance of such radio or television receiving set.

(d) Advertisements or representations which directly or by implication lead purchasers to believe that the radio or television receiving set so advertised or represented is capable of greater or more consistent or satisfactory performance or reception than is in fact true.

(e) Advertisements or representations stating, purporting, or implying that a radio receiving set so advertised or represented will give world-wide continuous reception or other continuous reception, when such is not the fact; or that the radio receiving set will give such reception or other reception with loud-speaker volume, when such is not the fact; or that the radio receiving set will give world-wide reception or other reception regularly or dependably, when such is not the fact.

(f) Advertisements or representations of any radio receiving set stating, purporting, or implying that each station or any station, whether nearby or foreign or domestic, can be brought in, or brought in with sharp, clear, or distinct reception, or with ease, simplicity, or regularity, by any amplitude-modulation radio receiving set so advertised or represented, when such is not the fact.

(g) Advertisements or representations stating, purporting, or implying that any radio receiving set so advertised or represented will bring in or receive broadcasts from Europe, Africa, South America, Australia, or Asia, or from any other designated locality, or that it will bring in such broadcasts, or any of them, consistently or satisfactorily, when such is not the fact.

(h) Advertisements or representations stating, purporting, or implying that any radio or television receiving set so advertised or represented sifts out noise or is free from noise, or brings in far distant stations sharp or clear, or brings in signals to weak signal areas sharp or clear, or brings in signals to fringe areas sharp or clear, when such is not the fact.

(1) Advertisements or representations stating, purporting, or implying that any radio receiving set so advertised or represented will bring in or receive satisfactorily or consistently foreign stations, police calls, aviation calls, radio transmissions from or to ships at sea, amateur stations, or other types of radio transmissions, when such is not the fact, or when only a small part of any such class of radio frequencies transmitted or broadcast is so receivable and such fact, or the fact that others of the same class are not so receivable, is deceptively concealed.

(j) Advertisements or representations stating, purporting, or implying that a radio or television receiving set so ad-

vertised or represented contains a certain number of tubes or their equivalents or is of a certain tube capacity or equivalent tube capacity when one or more of such tubes or their equivalents in the set are dummies or fakes or contribute no useful function toward enhancing the normal and intended operation of the amplitude-modulation or frequencymodulation radio or television receiving

Note: In order to avoid and prevent misleading tendencies or results, so-called "ballast tubes," dial or other lamps used for illumination, so-called "plug-in resistors," and other like accessories or devices not providing the recognized and customary functions of tubes used to enhance the operation of a radio or a television receiving set, are not to be included as tubes or their equivalents in advertisements or representations of a radio or a television receiving set which describe or refer to the set as having a certain number of tubes or their equivalents or as being of a specified tube capacity or equiva-lent tube capacity. Rectifier tubes, used to supply power to the set, shall not be included in the computation of tube count of such set.

(k) Advertisements or representations stating, purporting, or implying that radio or television receiving sets so advertised or represented are of a current model, as specified by the manufacturer, when such is not the fact; or advertisements or representations which, directly or indirectly, have the capacity and tendency or effect of leading the purchasing public to believe that the set is of the current year's model or has not been supplanted, superseded, or succeeded by a newer or later model, when such is not true in fact; or advertisements or representations which are otherwise deceptive or misleading respecting the model of the set.

Note: The term "current," in reference to a model means that the said model anpears in the prevailing literature published by the advertiser.

 Advertisements or representations concerning a radio or a television receiving set which, by reference to the name of the manufacturer, or one or more component parts of the set, or to a patent license pursuant to which the set was manufactured, or otherwise, have the capacity and tendency or effect of misleading purchasers or the consuming public into the belief that such set is manufactured or sponsored by said component part manufacturer or patent licensor, when such is not the fact.

(m) Advertisements or representations stating, purporting, or implying that a television receiving set is a color television receiving set unless such receiving set is capable, as so constituted, of reproducing color television signals in color as transmitted from a television station transmitting in color; or advertisements or representations which, directly or indirectly, have the capacity and tendency or effect of leading the purchasing public to believe that the television receiving set is capable of reproducing color television transmission signals in color as transmitted from a color television transmitting station, when such is not the fact.

(n) Advertisiements or representations stating, purporting, or implying that a device for color television is capable of producing television pictures in color as broadcast, when such is not the fact. [Rule 3]

§ 142.4 Sponsorship. It is an unfair trade practice to use, or cause to be used. advertisements or representations relating to any radio or television sets, parts or accessories therefor, or to other products of the industry, which have the capacity and tendency or effect of misleading purchasers or the consuming public into the belief that such radio or television receiving sets, parts, accessories, or products are sponsored by, or are otherwise associated with, any person, concern, or organization, when such is not the fact. [Rule 4]

§ 142.5 Alteration of identiluina names or marks. It is an unfair trade practice for any industry member to remove or deface the name, trade name, or trademark of any manufacturer appearing on any industry product when such removal or defacement has the capacity and tendency or effect of deceiving purchasers or prospective purchasers of the product in any material respect. [Rule 5]

§ 142.6 Misrepresentation of cabinet composition.1 (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to misrepresent in any material respect the composition of the cabinet, or any part of the cabinet, of any such product.

(b) Among practices inhibited by this section are the following:

(1) Representing that a cabinet, or part thereof, is "mahogany," "solid mahogany," or "in mahogany," unless such cabinet or part is of solid mahogany wood.

(2) Representing that any cabinet, or part thereof, is "mahogany veneer" or 'mahogany veneered" unless such cabinet or part consists of a base of wood or plies of wood on the exterior surface of which there has been glued or bonded a ply or veneer of mahogany wood; Provided, however, That the terms may also be used as descriptive of cabinets, or parts thereof, which consist of other than a base wood or plies of wood on the exterior surface of which there has been glued or bonded a ply or veneer of mahogany wood when in close conjunction with the term used there is adequate disclosure as to the nature of the composition to which the ply or veneer of mahogany wood has been applied.

(3) Representing that any cabinet, or part thereof, is composed of wood, or of any named wood, when such is not the fact.

Note: Hardboard chall not be unqualifiedly represented as "wood." It may properly be represented as being "hardboard," "synthetic wood," "fiber board," "made from wood fiber (when such is the case)," and may be designated by such other descriptive terms as adequately and nondeceptively make known the general nature of its composition.

(4) Representing that any cabinet, or part thereof, is composed of wood (or any named wood) or is veneered with wood (or any named wood) when, though of such composition, an exposed surface or surfaces thereof have had applied thereto (by means of decalcomania, printing, or otherwise) a simulation of a wood grain, pattern, or figure different than the natural wood grain, pattern, or figure possessed by such wood or veneer, unless adequate disclosure is made of such fact in close conjunction with the said representation.

Nore (a) Requirements for the designations specified in subparagraphs (1) and (2) of this paragraph, shall be considered as applicable to other named wood designa-tions (such as "walnut," "solid walnut," and

"walnut veneer").

Note (b) In the absence of an express statement to that effect, representations relating to the composition of cabinets shall not be considered as applying to the interior

shelves or bracings thereof.

Note (c) When a representation regarding the composition of a cabinet is properly applicable to but a part or parts thereof, such fact chall be clearly indicated in close conjunction with the representation (as, for example,-"top, front, and doors are solid mahogany-oldes are mahogany veneer"

[Rule 6]

§ 142.7 Deceptive use or change of cabinets. The placing of a radio or television receiving set or chassis in a cabinet designed or made for a set or chassis of a different manufacturer or for a set or chassis of a different size, type, model, or any other combination, without clear disclosure of the fact, having the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public as to the origin, size, capacity, make, manufacture, brand, or type of such set or cabinet, or when done to mislead or deceive purchasers in any other respect, is an unfair trade practice. [Rule 7]

§ 142.8 Alteration or removal serial numbers. (a) To remove, obliterate, deface, alter, or obscure the serial number of any industry product and thereby create a condition having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the identity or age or warranty of such product, or of otherwise aiding, abetting, or causing confusion or deception in the marketing of any such product, is an unfair trade practice.

(b) Nothing in this section shall be construed as preventing the replacement of that part of the product on which the serial number appears when necessary to the rebuilding or repair of such prodnct and when the original serial number is re-marked on the substitute part; nor shall anything in this section be construed as preventing the marking of an additional serial number on a "remanufactured" or "rebuilt" product when in

^{*}Section 142.5 applies to affirmative representations relating to the composition of cabinets and parts thereof. However, in the absence of any affirmative representation, the failure to disclose the true composition of a cabinet, or part thereof, which has the appearance of being of a different composition; may result in deception of purchasers and prospective purchasers and be violative of laws administered by the Commission. It is to be understood that the authority of the Commission is not limited to the affirmative representation practices inhibited by this section.

immediate conjunction therewith there appears the word "rebuilt," "remanufactured," or an abbreviation of a distinguishing symbol indicative thereof. [Rule 8]

§ 142.9 Deception as to size of picture. (a) In the sale or offering for sale of television receiving sets, it is an unfair trade practice to misrepresent the size of the picture of any such set or the size of the picture tube with which the set is equipped or to make any representation, direct or indirect, as to the size of such picture or picture tube when such representation has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the actual viewable picture displayed by the set or as to the actual size of such tube.

(b) Any direct or indirect representation as to the size of a picture shown by a television set or as to the size of the picture tube with which the set is equipped shall be with respect to the actual viewable area of the picture displayed by the set or of such tube on a single plane basis. When any such area is of rectangular shape, the size may be indicated by disclosure of but the horizontal distance between the vertical extremities (sides) of the area on a single plane basis, and when the area is of a circular shape, by disclosure of but the diameter of the area on a single plane basis: Provided, however That nothing in this section shall be construed as inhibiting:

(1) A representation or disclosure as to the size of the area of a rectangularshaped picture shown by a set-or picture tube by specification of but a diagonal measurement of the distance between the vertical extremities of the width of the area on a single plane basis when a conspicuous disclosure is made, in immediate conjunction with the stated dimension, of the fact that same is a diagonal measurement: or

(2) A specification of the area in square inches with accompanying disclosure as to the shape of the area.

And provided, further That in the case of sets equipped for the magnification or projection of picture images, any direct or indirect representation as to the size of the magnified or projected picture shall be accompanied by a conspicuous and nondeceptive disclosure of the fact that the represented size is that after magnification or projection, as the case may be.

(c) Nothing in this section is intended to inhibit a representation that a television receiving set is equipped with a picture tube showing a larger picture than the actual viewable area of the picture shown by the set on a single plane basis when in close conjunction with any such representation a conspicuous and nondeceptive explanation is made of the fact that the viewable picture area of the set is less than of its picture tube.

Note: A tolerance not in exsess of ±1/8 inch in representations with respect to the size given in a single dimension of a picture screen or picture tube is permitted.

[Rule 9]

§ 142.10 Deception as to the convertibility of a television receiving set to services other than those for which it was originally manufactured. (a) In the offering for sale or distribution of television receiving sets, it is an unfair trade practice to make or publish, directly or indirectly, any false, misleading, or deceptive statement or representation concerning the convertibility of such sets to receive color pictures, higher frequency transmissions, or services other than those for which the set. was originally manufactured, or concerning the uniqueness of convertibility of any receiving set or as to the cost of effecting such conversion; or to make any other representation concerning the convertibility of such sets which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(b) Among practices inhibited by this section are: (1) Representing that any set can be converted so as to permit the reception of a color signal in color, or of Ultra-High Frequencies, when such is not the fact: or (2) representing that any set can be converted to color, or can be converted to receive higher frequencies, without also stating conspicuously that such conversion will require the attachment or installation of a new part or parts, or antenna, or some other substantial modification of the set, if such is the case.

Note: For the purpose of this section, the term "converter," when used with reference to color, is a device or apparatus which, when added to or used with an existing television receiver, enables the receiver to receive color television broadcasts and reproduce them in color as broadcasted. The term "converter," when used with reference to frequencies, means a device or apparatus which, when added to or used with an existing television receiver, enables the receiver to receive transmissions on different frequencies or channels than those which the receiver was capable of receiving when initially sold.

[Rule 10]

§ 142.11 Misuse of terms "discontinued model," "floor sample," "demonstrator" etc. (a) (1) In connection with the sale or offering for sale of radio or television receiving sets or other industry products by use of the terms "discontinued model." "floor sample," "demonstrator," or other word or term of similar import, it is an unfair trade practice to misrepresent any such receiving set or product or to use any such words or terms under conditions having the capacity and tendency or effect of misleading or deceiving customers or prospective customers.

(2) Inhibited by this section is representing or implying that a radio or television receiving set or other industry product is a "demonstrator" or "floor sample" when in fact such receiving set or product is a "trade-in" or has been repossessed or has been sold or rented or subjected to any use except by prospective customers for the purpose of determining their preference and its suitability for their use.

(b) Representing or implying that any radio or television receiving set is a "discontinued" model unless the manufacturer has in fact discontinued its

manufacture entirely or has replaced it on the market with a new set or new model embodying specific material changes in appearance, mechanical design, function, or the addition of new features to perform new functions. [Rule 11]

§ 142.12 Deception as to being "new." In the sale, offering for sale, or distribution of radio receiving sets, television receiving sets, radio-television combination receiving sets, cathode-ray tubes, or other industry products, it is an unfair trade practice to represent any of such products as being new or unused, or as containing all new or unused parts, when such is not the fact, or deceptively to conceal the fact that any of such products have been used or contain a used part or parts.

Note: Whenever a cathode-ray tube which has never been subjected to consumer, demonstrator, or floor-sample use, is discovered to have a defect or imperfection which can be and is completely remedied by the original manufacturer of such tube, such tube may be sold as a new tube. Cathode-ray tubes which have never been subjected to any consumer, demonstrator, or floor-sample use, and which, though giving satisfactory performance, do not meet the standards of quality and workmanship maintained by the manufacturer with respect to the general run of tubes of the same type, need not be designated as "used," but shall be designated as a "reject" or a "second."

[Rule 12]

§ 142.13 Deception as to identity of manufacturer when products are repaired, reconditioned, or rebuilt by other than the original manufacturer Whenever an industry member obtains used or defective products or parts manufactured by another member and identified as such, and has repaired, reconditioned, or rebuilt such products or parts, whether through the installation of a new part or parts, or otherwise, it is an unfair trade practice to sell or offer for sale such products or parts without clear disclosure, in advertising and sales promotional literature relating thereto, and on labels or marks prominently affixed in a conspicuous place on the products or parts and containers thereof, of the fact that such products or parts have been repaired, reconditioned, or rebuilt, as the case may be, together with the name of the person or firm performing such repairing, reconditioning, or rebuilding: Provided, however, That with respect to an industry member who obtains cathode-ray tubes manufactured by another member and identified as such, and who rebuilds such tube reusing the envelope but utilizing all other new parts, it is an unfair trade practice to fail to remove or completely obliterate the name of the original manufacturer of the tube. [Rule 13]

§ 142.14 Misuse of terms "factory re-built" and "rebuilt" It is an unfair trade practice to use the term "rebuilt." "factory rebuilt," or any other word or term of similar import, as descriptive of a radio or television receiving set or other industry product which has not been dismantled and reconstructed and all badly worn, impaired, defective, or missing parts repaired or replaced with new

parts; Provided, That the product shall not be described, as "factory rebuilt" unless said dismantling, reconstruction, repair, or replacement of parts is performed at a factory, or under factory supervision or control. [Rule 14]

- § 142.15 Deceptive pricing. (a) It is an unfair trade practice for any member of the industry to represent or imply that an industry product may be purchased for a specified price when such is not the fact; or to represent or imply that in industry product is being offered for sale at a reduced price when such is not the fact; or otherwise to represent prices or terms of sale for industry products in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.
- (b) Among the practices inhibited by this section are:
- (1) Representing or implying, in advertising or otherwise, that a stated price is for a complete functional radio or television receiving set when in fact the product so priced is without cabinet or batteries or any other part necessary to its normal functioning with proper antenna.
- (2) Representing or implying, in advertising or otherwise, that the price of a radio or television receiving set or other product of the industry includes the cost of installation service, antenna, adjustment, accessories, etc., when such is not the fact.
- (3) Representing or implying, in advertising or otherwise, as the price of a radio or television receiving set or other industry product, any amount which is less than the total price of such product which the purchaser is required to pay, excepting only State or local taxes the amount of which the purchasing public is presumed to have notice.
- (4) Representing that a radio or television receiving set or other industry product is being sold at a reduced price when the alleged reduction is from a fictitious price; or is being offered at a reduced or special price when in fact the same model or product has never customarily been offered or sold by the clamant at a higher price than the alleged reduced or special price; or when over a substantial period of time the alleged "reduced" or "special" price has been the price at which the product customarily has been sold.
- (5) Making or publishing any false, misleading, or deceptive representation, through advertising or otherwise, concerning installment sales contracts to be used in the sale of industry products, the terms or conditions of such contracts, the down payment to be required, the rate of interest or the financing cost to be charged, or respecting any other matters relative to such contracts. [Rule 15]
- § 142.16 Misrepresentation as to the effectiveness of television antennas.
 (a) In the offering for sale or distribution of television receiving sets equipped with antennas, or in the offering for sale or distribution of antennas designed for television sets, it is an unfair trade prac-

tice to make or publish any false, misleading, or deceptive statement or representation, by way of advertisement, label, mark, brand, or otherwise, concerning their uniqueness, performance, ability to "bring in" distant transmission, or utility for Very High Frequency or Ultra-High Frequency reception, or to make any other representation concerning the antenna which is false or misleading in any other material respect.

- (b) Under this section it is an unfair trade practice to make the unqualified general representation that television receiving sets equipped with "built-in" or "indoor" antennas will perform as satisfactorily as if they were equipped with "outdoor" antennas, when such is not the fact. When such representation is true only in a limited number of locations or within a limited radius of television transmitting stations, or only under specially favorable conditions, or under other performance limitations, it is an unfair trade practice under this section to fail to make a clear and plain disclosure of such limitations. [Rule 16]
- § 142.17 Guaranties, warranties, etc.
 (a) It is an unfair trade practice to use any guaranty respecting a radio or a television receiver, accessory, attachment, or part thereof, or any television service contract, or any advertisement or representation in relation thereto, which does not make conspicuous and nondeceptive disclosure of the conditions or limitations of the guaranty.
- (b) Without in any any way limiting the foregoing provisions of this section guaranties of the following type or character shall not be used:
- (1) Guaranties containing statements, representations, or assertions which have the capacity and tendency or effect of misleading and deceiving in any respect; or
- (2) Guaranties which are so used, or are of such form, text, or character, as to import, imply, or represent that the guaranty is broader than is in fact true; or
- (3) Guaranties in which the conditions or limitations are stated in such manner or form as to be minimized, obscured, or concealed, wholly or in part.
- (c) This section shall be applicable also to warranties and any other writing purporting to be or having the effect of either a warranty or a guaranty. [Rule 17]
- § 142.18 Use of the word "free." In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:
- (a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer

will be misunderstood; and, regardless of such disclosures:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

Note: The disclosure required by subsection (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 18]

- § 142.19 False invoicing. Withholding from or inserting in invoices or sales slips any statements or information by reason or which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 19]
- § 142.20 Imitation of trade-marks, trade names, etc. The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 20]
- § 142.21 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products. (a) The practice or coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice.
- (b) This section should not be construed as inhibiting a requirement of purchases of a representative line of radio, television, or radio-television receiving sets, or of parts or accessories therefor, when such required purchases are not resorted to and pursued as a monopolistic practice and do not have the tendency or effect of unreasonably restraining trade, creating a monopoly, or substantially lessening competition. [Rule 21]
- § 142.22 Unfair threats of infringement suits. The circulation of threats of suits for infringement of patents or trademarks among customer or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 22]

Prohibited forms of trade restraints (unlawful price fixing, etc.) 2 It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods, or otherwise unlawfully to restrain trade: or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 23]

§ 142.24 Consignment distribution. It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby mjuring, destroying, or preventing competition, or tending to create a monopoly or unreasonably to restrain trade. Nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected; nor shall anything in this section be construed to authorize any agreement, understanding, or planned common course of action by and between industry members mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 241

§ 142.25 Use of lottery. The offering or giving of prizes, premiums, or gifts in connection with the sale or distribution of industry products by means of a lottery, gift enterprise, or similar scheme, is an unfair trade practice.

Note: This section should not be construed as inhibiting the giving of prizes, premiums, or "give-aways," which giving is not contingent upon the requirement of a purchase of industry products or upon any other consideration.

[Rule 25]

§ 142.26 Defamation of competitors or false disparagement of their products. The defamation of competitors by falsely imputing to them dishonorable conduct, mability to perform contracts, questionable credit-standing, or by other false representations, or the false disparagement of the quality, grade, origin, use, construction, design, performance, properties, manufacture, or distribution of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 26]

§ 142.27 Enticing away employees of competitors. It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: Provided, That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not solely for the purpose of inflicting injury on a competitor, [Rule 27]

§ 142.28 Procurement of competitors' confidential information. It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by briberry of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade: [Rule 281]

§ 142.29 Commercial bribery. It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, sales clerks, employees, or representatives of customers or prospective customers of the industry member, without the knowledge of the employers or principals of such agents, sales clerks, employees, or representatives, as an inducement:

(a) To influence such employers or principals to purchase or contract to purchase products manufactured or sold by the industry member or

(b) To influence such employers or principals to refrain from dealing in the

products of competitors or from dealing or contracting to deal with competitors;

(c) For the purpose of causing said employees, agents, sales clerks, or representatives to push and promote the resale of the industry member's products over competing products being offered for resale by the employers or principals of said agents, employees, sales clerks, or representatives. [Rule 29]

§ 142.30 Exclusive deals. It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce, [Rule 30]

§ 142.31 Push money. It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer—

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance: or

(c) When any provision of the agreement of understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the agreement or understanding, including its duration, or the attendant circumstances, the effect may be substantially to lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d), and (e) of the Clayton Act.

Note: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2 (a) of the Clayton Act.

[Rule 31]

^{*}The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agree-ment is not between manufacturers or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

§ 142.32 Prohibited discrimination.3— (a) Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: Provided, however.

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in paragraph (a) of this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

Note: "Spindling" of orders. This proviso shall not be construed as permitting the practice of allowing a price differential, whether in the form of a discount, rebate, or other form, through billing as a single order an aggregate of the amounts of two or more orders separately delivered, when such price differential is not justified by savings to the seller which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such products are to such purchasers sold or delivered.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade:

(4) That nothing contained in paragraph (a) of this section shall prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) Prohibited brokerage and commissions. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) Prohibited advertising or promotional allowances, etc. It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) Prohibited discriminatory services or facilities. It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) Inducing or receiving an illegal discrimination in price. It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) Exemptions. The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

Note: In complaint proceedings charging discrimination in price or cervices or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: Provided, however, That nothing contained in this section shall prevent a seller rebutting the prima facie case thus made by chowing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the cervices or facilities furnished by a competitor. See section 2-b, Clayton Act.

[Rule 32]

Issued: June 23, 1955.

Promulgated by the Federal Trade Commission June 28, 1955.

ROBERT M. PARRISH.

Secretary.

[P. R. Doc. 55-5149; Filed, June 27, 1955; 8:54 a. m.1

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Defense Transport Administration

CROSS REFERENCE: For termination of Defense Transport Administration and transfer of functions to Interstate Commerce Commission, see F. R. Doc. 55-5198, Defense Transport Administration, in the Notices section, mfra.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3-VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.28, paragraph (b) is amended to read as follows:

§ 3.28 Abandoned claims. * * *

- (b) Where payments of disability or death compensation or pension have been suspended on or after July 1, 1933, because a veteran's or payee's whereabouts is unknown for a period of 1 year or more, payments will be resumed effective the date the evidence showing the payee's present whereabouts is received in the Veterans Administration, if otherwise in order.
- 2. In § 3.166, paragraph (e) is amended to read as follows:
- § 3.166 Total disability ratings under Public Law 2,73d Congress, and the 1945 Schedule. * * *
- (e) A permanent total rating under Part III, Veterans Regulation 1 (a), will be authorized for congenital, hereditary or familial conditions characterized by increase in disabling manifestations as distinguished from those purely static, providing the other requirements for entitlement are met.
- 3. In § 3.228, paragraphs (b) and (c) (10) are amended to read as follows:
- § 3.228 Computation of annual income for the purposes of Part III, Veterans Regulation 1 (a) (38 U.S.C.ch. 12A) or section 1 (c) of Public Law 198, 76th Congress (act of July 19, 1939) as amended by section 11, Public Law 144, 78th Congress, and Public Law 357, 82d Congress. * * *
- (b) Benefits excluded from computa-tion. In determining annual income, benefits received from the following sources will not be considered:

³ As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(1) Any payments by the United States Government because of disability or death under laws administered by the Veterans Administration.

(2) Mustering-out pay.

(3) The 6-months' death gratuity.

(4) For the purposes of paragraph II (a) Part III, of Veterans Regulation 1 (a) as amended, amounts payable to Government employees under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the law expressly provides, shall be considered a part of basic compensation. For the purposes of section 11, Public Law 144, 78th Congress, this compensation is not excluded from computation of annual income.

(5) Where the claimant is being maintained in a rest home (including a convalescent or nursing home, a home for the aged, or other establishment of similar character) money paid to the home or to the claimant to cover the cost of maintenance, which is not in remuneration for services, is not to be considered income, regardless of whether it is furnished by a charitable organization (civic or governmental) or by a friend or relative. This rule is not applicable when the expenses are being paid out of the income of the claimant.

(6) The value of maintenance furnished by a charitable organization (civic or governmental) or by a friend or relative.

(7) Annuities received under the Uniformed Services Contingency Option Act of 1953 (Public Law 239, 83d Cong.) will not be considered income.

(8) Proceeds of a fire-insurance policy.

(9) The rental value of property owned by and resided in by the claimant. (10) The separate income of the wife

of a disabled veteran. (11) The value of an increase in stock inventory of a business at the end of a

year. (c) * * *

(10) Charitable donations from any source (except see paragraph (b) (5) and (6) of this section.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a,

This regulation is effective June 28, 1955.

J. C. PALMER. [SEAL] Assistant Deputy Administrator

[F. R. Doc. 55-5132; Filed, June 27, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNI-CATION

Chapter I—Federal Communications Commission

[FCC 55-683]

[Rules Amdt. 7-18]

PART 7-STATIONS ON LAND IN THE MARITIME SERVICES

POSTING OF OPERATOR LICENSE

In the matter of amendment of Part 7 of the Commission's rules to dispense

with posting of restricted radiotelephone operator permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 22d day of June 1955,

The Commission having under consideration the above-captioned matter; and

It appearing that it would be in the public interest to amend the rules as herein ordered to allow a radio operator engaged in operating a station on land under the provisions of Part 7 of the Commission's rules to dispense with the posting of his operator license where he holds a restricted radiotelephone operator permit and keeps the permit in his personal possession; and

It further appearing that insofar as restricted radiotelephone operator permits are concerned, the amendment herein ordered will bring about-uniformity between land stations and ship stations in the maritime services under Parts 7 and 8 of the Commission's rules and the aeronautical and land mobile services, with respect to operator license posting requirements; and

It further appearing that because the amendment herein ordered is of a noncontroversial nature and will have minor public effect, compliance with the public notice and rule making procedure prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and

It further appearing that the amendment herein ordered relieves an existing restriction, and may, therefore, be made effective immediately.

It is ordered, That, pursuant to sections 303 (r) and 318 of the Communications Act of 1934, as amended, § 7.155 of the Commission's rules is amended, effective immediately, to read:

§ 7.155 Posting of operator license. When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the authorized control point at which the operator is stationed in accordance with the provisions of § 7.152: Provided. That in the case of marine-utility stations on shore and shippard mobile stations or in the case where the operator holds a restricted radiotelephone operator permit, the operator may in lieu of posting have on his person either his required operator license or a duly issued verification card (FCC Form 758-F) attesting to the existence of that license. (Sec. 4, 48 Stat. 1066, as amended: 47 U.S.C. 154. Interprets or applies secs. 303, 318, 48 Stat. 1082, 1089; 47 U. S. C. 303, 318)

Released: June 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-5137; Filed, June 27, 1955; 8:52 a. m.]

[Docket No. 11365; FCC 55-682] [Rules Amdt. 8-24]

PART 8-STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 8 of the Commission's rules for the purpose of reflecting changes in law and treaty, principally with respect to com-pulsorily installed ship radiotelegraph stations; Docket No. 11365.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955:

The Commission having under consideration its proposal in the abovecaptioned matter;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for submission of, written comments by interested parties was duly published in the FEDERAL REG-ISTER on April 20, 1955 (20 F R. 2624), and the period for filing comments has now expired; and

It further appearing that the only comment filed was that of the American Merchant Marine Institute, Inc. which suggested a revision of proposed § 8.515 dealing with station clocks under the impression that the rule related to radiotelephone equipped ships, whereas the rule as proposed applies only to ships compulsorily equipped with radiotelegraph stations; and

It further appearing that in addition to the amendments heretofore proposed certain editorial and procedural amendments to § 8.49 are desirable in order to reflect existing procedures used in applying for and acting upon applications for exemption; and

It further appearing that since such amendments to § 8.49 are editorial and procedural in nature prior notice of rule making with respect to them is not necessary; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (n) and (r) and Title III, Part II of the Communications Act of 1934, as amended;

It is ordered, That, effective July 29, 1955, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION, [SEAL] MARY JANE MORRIS, Secretary.

- 1. Section 8.2 is amended as follows: a. Delete § 8.2 (b) (2) defining Ship Act and substitute therefor:
 - (2) [Reserved.]
- b. Delete § 8.2 (p) (3) and substitute the following therefor:
- (3) Safety Radiotelegraphy Certificate. A certificate issued upon applica-

tion, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelegraph installations for the purpose of meeting such requirements.

- c. Add a new § 8.2 (p) (4) as follows:
- (4) Safety radiotelephony certificate. A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelephone installations for the purpose of meeting such requirements.
- 2. Section 8.47 is amended to read as follows:
- § 8.47 Application for certificate of compliance with Safety Convention. Whenever a Safety Certificate, Safety Radiotelegraphy Certificate or Safety Radiotelephony Certificate or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection" for a required inspection of the radio installation on board and issuance of a Safety Radiotelegraphy or Safety Radiotelephony Certificate, or, in the case of a Safety Certificate, certification of the results of such inspection to the United States Coast Guard for issuance of such certificate, shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise antennas and to launch any required radio-equipped lifeboats shall be available at the ship at the time inspection is to be conducted. In the case of radiotelegraph installations, the service representative shall hold at least a radiotelegraph 2d class operator license. In the case of radiotelephone installations, the service representative shall hold a 2d or higher class of operator license, either radiotelephone or radiotelegraph. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster and, when appropriate, may be combined with the application for annual inspection prescribed by § 8.46.
- 3. a. That part of § 8.48 preceding paragraph (a) thereof is amended to read as follows:
- § 8.48 Extra compensation for overtime services by engineers in charge and radio engineers. Pursuant to section 4 (f) (3) of the Communications Act, engineers in charge and radio engineers of the Field Engineering and Monitoring Bureau of the Federal Communications Commission, who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the act or the Great Lakes Agreement at night

or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, under the following regulations:

b. Paragraphs (a) (b) (c), (f), and (j) of § 8.48 are amended by striking out the word "inspector" or "inspectors" wherever it appears therein and inserting in lieu thereof the word "engineer" or "engineers" as appropriate.

4. Section 8.49 is amended to read as follows:

- § 8.49 Application for exemption. (a) In accordance with the provisions of section 352 (b) and (c) of the Communications Act and/or the appropriate provisions of the Safety Convention (Regulations 5 and 6 of Chapter IV of the Regulations annexed to the Safety Convention of 1948) application for exemption from the radio equipment and operator requirements of Part II of Title III of the said Communications Act and/or the said Safety Convention, or application for modification or renewal of exemption previously granted, thereunder, may be made by submitting FCC Form 820, "Application for Exemption" to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form
- (b) Whenever exemption from the radio equipment and operator requirements of the Safety Convention is granted in behalf of a cargo ship, the Commission issues an Exemption Certificate. Whenever exemption from such requirements is granted in behalf of a passenger ship, the Commission certifies the necessary particulars to the United States Coast Guard in order that an Exemption Certificate in behalf of that ship may be duly issued.

Note: A list of general exemptions is contained in § 8.804.

- 5. Section 8.152 is amended as follows: Amend paragraphs (b) and (c) to read as follows:
- (b) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is not fitted with an autoalarm, and each passenger ship required by that statutory provision to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least two qualified operators.
- (c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is fitted with an autoalarm in accordance with that statutory provision, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

6. Section 8.153 (a) is amended to read as follows and the note immediately following the section is deleted:

§ 8.153 Operator required by Safety Convention. (a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelegraph installation, which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least the number of qualified operators specifled in subparagraphs (1) and (2) of this paragraph. A qualified operator for this purpose is a person holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

(1) If fitted with an auto-alarm in proper operating condition at least one qualified operator shall be carried, except that at least two qualified operators shall be carried in the case of a passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports.

(2) If not fitted with an auto-alarm at least two qualified operators shall be

7. Section 8.203 is amended to read:

§ 8.203 Watch required by Safety Convention. This section is applicable to ships of the United States subject to the radio provisions of the Safety Convention but not at the same time subject to the provisions of Part II of Title III of the Communications Act (for example, certain ships engaged on an international voyage, no part of which is in the open sea).

(a) Each passenger ship of the United States required by the Safety Convention to be fitted with a radiotelegraph installation shall, while at sea, keep continuously an efficient watch on the mternational distress frequency 500 kc by means of qualified operators, if not fitted with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept

while at sea as follows:

(1) If carrying or certificated to carry 250 passengers or less, at least 8 hours watch a day in the aggregate.

- (2) If carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours watch a day in the aggregate.
- (3) If carrying or certificated to carry more than 250 passengers and engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours watch a day in the aggregate.
- (b) Each cargo ship of the United States of 500 gross tons or more fitted with a radiotelegraph installation for the purpose of complying with the Safety Convention and not exempt therefrom by the Commission shall, while at sea, keep continuously an efficient watch on the international calling and distress frequency 500 kc by means of a qualified radiotelegraph operator, if not fitted

with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept by such ships for at least eight hours per day, in the aggregate.

- (c) In keeping the watch prescribed in paragraphs (a) and (b) of this section, operators shall be subject to the conditions and limitations prescribed in § 8.204.
- (d) Each cargo ship of the United States required by the Safety Convention to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, while at sea, keep a continuous watch on the radiotelephone calling and distress frequency in the manner prescribed by § 8,202 (c)
- 8. Section 8.204 (a) is amended to read:
- § 8.204 Provisions governing safety watch. (a) For the purpose of maintaining the radiotelegraph watches prescribed in §§ 8.202 and 8.203, the operator shall use an effectively operating main or emergency radio receiver complying with the applicable requirements of § 8.503 or § 8.504, respectively, and either a head receiver or a loudspeaker complying with the applicable requirements of § 8.503 or § 8.504, respectively, on condition that use of the loudspeaker is not less effective than use of the head receiver.
- 9. Section 8,262 is amended as follows:
- a. Amend paragraph (a) (1) to read as follows:
- (1) A cargo ship of less than 500 gross tons;
- b. Amend paragraph (a) (3) to read as follows:
- (3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such Convention.
- 10. Section 8.330 is amended as follows: Add new subparagraphs (7) (8) and (9) to paragraph (b) as follows:
- (7) A daily entry shall be made while the ship is at sea showing whether the storage batteries forming part of the main installation or the emergency installation were brought up to the normal full charged condition that day.
- (8) Entries shall be made stating when each storage battery used as the power supply for the main and emergency installations is placed on charge or off charge.
- (9) Entries shall be made stating details of maintenance of lifeboat radio equipment, including a record of charging of any storage batteries supplying power to such equipment. The record of charging shall show when such storage battery is placed on charge and when it is taken off charge.
- 11. Immediately following the title of Subpart R of Part 8 delete the subtitle

reading "Radio Installations on Ships Subject to Part II of Title II of the Communications Act"

- 12. Section 8.501 is amended to read as follows:
- § 8.501 Inspection of installation. (a) In accordance with § 8.101 (a) and pursuant to section 362 of the Communications Act, every ship of the United States, subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate (see section 361 of the Communications Act) in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that Convention or that, pursuant to the provisions of the Safety Convention, such vessel is exempt from those provisions of that Convention. The issuance date of Safety Radiotelegraphy and Safety Radio telephony certificates issued by the Commission shall be the date the installation is found to be in compliance or not later than one business day following such in-compliance date.
- (b) In accordance with the Safety Convention, every ship of the United States holding a Safety Certificate, Radiotelegraphy Safety Certificate. Safety Radiotelephony Certificate or Exemption Certificate is subject when in a port of a foreign country which is a party to the Safety Convention, to control by officers duly authorized by the government of that country, insofar as that control is directed towards verifying that there is on board a valid Convention certificate and, if necessary, that the conditions of the vessel's seaworthiness correspond substantially with 'the particulars of that certificate.
- (c) The privileges of the Convention may not be claimed in favor of any ship unless it holds appropriate valid certificates. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to notify the United States Consul in writing forthwith of all the circumstances in which intervention was deemed to be necessary.
- (d) In accordance with the Safety Convention, Safety Certificates, Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates are required to be posted in a permanent and accessible place in the ship.
- 13. Immediately following § 8.501 insert the following centerhead: "Radiotelegraph Installations on Ships Subject to Part II of Title III of the Communications Act or on U. S. Ships Subject to the Safety Convention."
- 14. Section 8.502 is amended as follows: a. Delete subparagraph (5) of paragraph (a) and substitute the following:
- (5) A main antenna and a separate emergency antenna shall be installed: *Provided, however* That a cargo ship the keel of which was laid prior to June 1, 1954, may be equipped with either an emergency antenna meeting the requirements of § 8.504 (a) (2) or with a spare

- antenna, consisting of a single wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna, completely assembled for immediate replacement.
- b. Delete paragraph (b) of § 8.502 and the Note immediately following it and substitute the following:
- (b) Whenever a main installation only is provided on board a cargo vessel in accordance with the terms of paragraph (a) of section 355 of the Communications Act, this installation shall comply in full with all rules and regulations of the Commission that apply to an emergency or reserve installation on board a vessel subject to Title III, Part II of the Communications Act.

Note: Section 355 (a) of the Communications Act (Title III, Part II) provides that "The radio installation shall comprise a main and an emergency or reserve radiotolograph installation: Provided, That, in the case of an existing installation on a carge ship and a new installation on a carge ship and the complete of the hundred gross tons and upwards but less than one thousand six hundred gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided"

- 15. Section 8.503 is amended as follows:
- a. Amend paragraph (a) (3) of § 8.503 to read as follows:
- (3) The main receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the bands 100 to 200 kilocycles, and 405 to 535 kilocycles, and in addition class B emission within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The main receiver shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.
- b. Amend paragraph (a) (4) of § 8.503 to read as follows:
- (4) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, a main power supply for the main radio installation capable of supplying electrical power sufficient to energize simultaneously and efficiently the main transmitter at its required antenna power (the antenna power specified in § 8.552) and the main receiver; and at the same time to charge, at any required rate, all storage batteries used as the emergency power supply, and any other storage batteries which are

charged by connection to this radio room main power supply. Under this load condition and at all times herein specified, any potential of the main power supply at the radio room terminals shall not deviate from its rated electrical potential by more than 10 percent on vessels completed on or after July 1, 1941, nor by more than 15 percent on vessels completed before that date. While at sea, storage batteries forming part of the main installation shall be brought up to the normal fully charged condition daily.

- c. Add new subparagraphs (6) and (7) to § 8.503 (a) as follows:
- (6) The main installation shall be provided with a device permitting change-over from transmission to reception and vice versa without manual switching.
- (7) The main installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.
- 16. Section 8.504 is amended as follows:
- a. Paragraph (a) (4) of § 8.504 is amended to read as follows:
- (4) The emergency receiver shall, be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the band 405 to 535 kilocycles, and class B emission on all frequencies within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The emergency receiver shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.
- b. Paragraph (a) (5) of § 8.504 is amended to read as follows:
- (5) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, an emergency power supply for the emergency installation (independent of the propelling power of the ship, and any other electrical system; and independent of the main power supply where a separate main and emergency or reserve installation is provided for the purpose of compliance with paragraph (a) of section 355 of the Communications Act) capable of supplying electrical power sufficient to energize simultaneously and efficiently the emergency transmitter at its required antenna power (the antenna power specified in § 8.553) and the emergency receiver. Such emergency power supply shall be maintained in readiness to operate effectively and shall have a re-

serve capacity of at least 6 continuous hours at all times while the vessel is navigated outside a harbor or port and whenever the vessel leaves or attempts to leave a harbor or port of the United States for a voyage in the open sea. While at sea, storage batteries forming part of the emergency installation shall be brought up to normal full charged condition daily.

- c. Add new paragraph (a) (11) to § 8.504 as follows:
- (11) The emergency installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.
- 17. Section 8.513 is amended to read as follows:

§ 8.513 Interior communication system. (a) Pursuant to paragraph (g) of section 355 of the Communications Act, an efficient interior communication system shall be provided between the bridge of a ship and the radio room, in all cases where the radio room does not adjoin or open onto the navigating bridge structure; further, an efficient interior communication system shall be provided between the bridge and the location of the direction finding apparatus whenever the latter is not located on the bridge or within any compartment adjoining or opening onto the navigating bridge structure. When the operating position of the emergency radio installation is not located in the radio room normally used for operating the main radio installation, an efficient interior communication system shall be separately provided between the bridge and each of these radio operating positions.

(b) If a vessel is provided with more than one location from which it is normally controlled and steered, the interior communication system between the radio room and bridge shall include in the system a point of communication to each such location. The existence at a location of all of the following factors will be considered to be evidence that a point of communication should there be established: (1) Provision of a steering wheel; (2) provision of a compass; (3) provision of an engine order telegraph; (4) provision of apparatus to control the whistle; and (5) enclosure of the location to form a wheelhouse.

(c) The requirement of paragraph (b) of this section shall not apply to locations established solely for emergency use in event of failure of the normal steering facilities or locations used solely while docking or maneuvering a ship while in port or occasionally for brief periods while navigating the ship in close quarters on inland waters.

18. Section 8.515 is amended to read as follows:

§ 8.515 Radio station clock. The radio station clock required by § 8.114, when installed on board a vessel subject to Title III, Part II of the Communications Act, shall, in addition to the requirements of § 8.114, have a sweep second hand and a dial not less than 5 inches in diameter. If a ship is provided with a separate emergency radio operating

serve capacity of at least 6 continuous room, such a clock shall also be installed hours at all times while the vessel is in the emergency operating room.

19. Section 8.516 is amended to read as follows:

§ 8.516 Direction-finder. Each ship of 1600 gross tons or over which is subject to the requirement set forth in subparagraph (a) (2) of section 351 of the Communications Act or which is subject to Regulation 12 of Chapter V of the Safety Convention shall be equipped with an efficient direction-finder tradio compass) properly adjusted in operating condition and approved by the Commission.

20. Delete Subpart U including title and §§ 8.701 through 8.713. Substitute therefor: Subpart U [Reserved].

[P. R. Doc. 55-5138; Filed, June 27, 1955; 8:52 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Marina Investigations and Suspension and Revocation Proceedings [CGFR 55-24]

PART 137—Suspension and Revocation Proceedings

SUBPART 137.04—PROCEEDINGS UNDER PUBLIC LAW 500

EFFECT OF COURT CONVICTIONS

Section 137.04-15 is amended to read as follows:

§ 137.04-15 Effect of court convictions. (a) After proof of a court conviction in accordance with section 2 (b) (1) of the act, but pending the determination of an appeal, the Coast Guard is not precluded from taking action based upon this conviction, and the examiner may enter an order revoking the seaman's document. A conviction becomes final when no issue of law or fact determinative of the seaman's guilt remains to be decided by the courts.

(b) Such an order of revocation will be rescinded by the Commandant if the seaman submits satisfactory evidence that the court conviction on which the revocation is based has been set aside for all purposes. An order of revocation will not be rescinded as the result of the operation of any law providing for the subsequent conditional setting aside or modification of the court conviction, in the nature of the granting of elemency or other relief, after the court conviction has become final.

(c) After the conviction has become final within the meaning of paragraph (a) of this section, the conditional setting aside or modification of the conviction will not act as a bar to the subsequent revocation of a seaman's document under section 2 (b) (1) of the act.

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, esc. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. 1275)

Dated: June 21, 1955.

[SEAL] J. A. HIESHFIELD, Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Dac. 55-5135; Filed, June 27, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division I 29 CFR Part 655 I

[Administrative Order 445]

SILK, RAYON, AND NYLON UNDERWEAR DIVISION

CERTAIN SPECIAL INDUSTRY COMMITTEES FOR
PUERTO RICO

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C. and Sup. 201 et seq.) the Silk, Rayon, and Nylon Underwear Division of the Needlework and Fabricated Textile Products Industry as defined in subparagraph 3 (a) of Administrative Order No. 443, published in the June 10, 1955, issue of the Federal Register (20 F R. 4091) is hereby redefined as follows:

(a) Silk, rayon, and nylon underwear division. The manufacture, from any fabric except cotton, or from any fabric containing a mixture of cotton and other fibers, of women's, misses' and girls' underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

Signed at Washington, D. C., this 22d day of June 1955.

JAMES P MITCHELL, Secretary of Labor

[F. R. Doc. 55-5124; Filed, June 27, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
[7 CFR Part 52]

PROCESSED RAISINS

UNITED STATES STANDARDS FOR GRADES 1

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U.S. C. 1621 et seq.) the Department is considering requirements for Layer (or Cluster) Muscat Raisins as a supplement to the United States Standards for Grades of Processed Raisins (7 CFR 52.1841 to 52.1851) on which a notice of proposed rule making was published in the FED-ERAL REGISTER, April 26, 1955 (20 F R. 2769) and as corrected by publication in the Federal Register, May 12, 1955 (20 F R. 3234) The proposal as hereinafter set forth, if made effective, will become a part of the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and

Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the Federal Register,

The proposal is as follows:

§ 52.1841a Product description of Layer (or Cluster) Muscat Raisins. Muscat raisins of the variety Muscat of Alexandria when referred to as "Layer (or Cluster) Muscat raisins" means that the raisins have not been detached from the main bunch stem.

§ 52.1846a Sizes of Layer (or Cluster) Muscat Raisins. The size of Layer (or Cluster) Muscat raisins is incorporated in the grades of the finished product. The size designation and measurement as applicable to Layer (or Cluster) Muscat Raisins are:

(1) "3-Crown size or larger" "3-Crown size or larger" in Layer (or Cluster) Muscat raisins means that the raisins, exclusive of stems and branches, are of such a size that they will not pass through round perforations 344 inch in diameter.

§ 52.1847a Grades of Layer (or Cluster) Muscat Raisins. (a) "U.S. Grade A" or "U. S. Fancy" is the quality of Layer (or Cluster) Muscat raisins that possess similar varietal characteristics; that possess a good typical color that possess a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from well-matured grapes; that contain not more than 191/2 percent, by weight, of moisture: that not less than 30 percent. by weight, of the raisins, exclusive of stems and branches, are 3-Crown size or larger · and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are practically free from shattered (or loose) berries;

(2) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(3) Not more than 3 percent, by weight, of raisins may be damaged;

(4) Not more than 5 percent, by weight, of raisins may be sugared;

(5) Not more than 2 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Layer (or Cluster) Muscat raisins that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 19½ percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3-Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

 The raisins are reasonably free from shattered (or loose) berries;

(2) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(3) Not more than 4 percent, by weight, of raisins may be damaged;

(4) Not more than 10 percent, by weight of raisins may be sugared;

(5) Not more than 3 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation: and

tation; and
(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "Substandard" is the quality of Layer (or Cluster) Muscat raisins that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice."

TABLE IIA-ALLOWANCES FOR DEFECTS IN LAYER (OR CLUSTER) MUSCAT RAISINS)

→ Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1 3 5	2 4 10	
	Maximum (by	count) (percent)	
	2	3	
Moldy raisins. Shattered (or loose) berries	Practically free.	Reasonably free.	
Damaged by fermentation	Appearance or edibility of product may not be affected.	Appearance or edibility of product may not be more than slightly affected.	
Grit, sand, or silt	None of any consequence may be ance or edibility of the produ	o present that effects the appeare	

Dated: June 23, 1955.

[SEAL]

Roy W. Lennartson, Deputy Administrator, Marketing Services.

¹ Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

17 CFR Part 521

DRIED CURRANTS

UNITED STATES STANDARDS FOR GRADES 1

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Dried Currants (7 CFE 52.981 to 52.985) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the Federal Register.

The proposed revision is as follows:

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.

52.981 Product description.

52.982 Types (varieties) of dried currants. 52.983 Grades of dried currants.

EXPLANATIONS AND METHODS OF ANALYSES

52.984 Definitions of terms.

WORK SHEET

52.985 Work sheet for dried currants.

AUTHORITY: §§ 52.981 to 52.985 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.981 Product description. Dried currants are dried grapes of such Vinifera varieties as Black Corinth or White Corinth that have been properly processed by stemming, capstemming, and cleaning to assure a wholesome product.

§ 52.982 Types (varieties) of dried currants—(a) Type I. Zante Type (Domestic).

(b) Type II. Other than Zante Type (Domestic) such as Amalias, Patras, Vostizza, and Zante varieties.

§ 52.983 Grades of dried currants.
(a) "U. S. Grade A" or "U. S. Fancy" is the quality of dried currants that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in table I of this subpart:

(1) Not more than 1 piece of stem per 24 ounces of dried currants may be present:

(2) Not more than 1½ percent, by weight, of dried currants may possess capstems;

(3) Not more than 1 percent, by weight, of dried currants may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of dried currants may be damaged:

(5) Not more than 5 percent, by weight, of dried currants may be sugared:

(6) Not more than ½ percent, by count, of dried currants may be moldy;

(7) The appearance or edibility of the product may not be affected by dried currants damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the dried currents.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of dried currants that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following

additional requirements as also outlined in table I of this subpart:

(1) Not more than 1 piece of stem per 16 ounces of dried currants may be present;

(2) Not more than 2 percent, by weight, of dried currants may possess capstems;

(3) Not more than 2 percent, by weight, of dried currants may be poorly developed, blowovers;

(4) Not more than 3 percent, by weight, of dried currants may be damaged;

(5) Not more than 10 percent, by weight, of dried currants may be sugared:

(6) Not more than 1 percent, by count, of dried currants may be moldy-

(7) The appearance or edibility of the product may not be more than slightly affected by dried currants damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the dried currants.

rants.
(c) "Substandard" is the quality of dried currants that fail to meet the requirements of U. S. Grade B or U. S. Choice.

TABLE I—ALLOWANCES FOR DEFECTS IN DRIED CURRANTS

Defects	U. S. Grado A et U. S. Fancy	U. S. Grade B or U. S. Choice
	Maximum count (sunses)	
Pieces of stem	1 pcr 24	1 per 16.
	Maximum (by v	veight) (percent)
Currents with capstems. Poorly developed, blowovers. Damaged. Sugared.	11/2 1 2 2 5	2 2 3 10
	Maximum (by count) (percent)	
Moldy currants	Appearance or elibility may not to affected.	Appearance or edibility may not be more than slightly affected.
Grit, sand, or silt	None of any concequence may be ance or edibility of the produ	present that affects the appear-

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.984 Definitions of terms. (a) A "piece of stem" means a portion of the branch or main stem.

(b) "Capstems" means small woody stems exceeding 1/2 inch in length which attach the grapes to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(c) "Poorly developed, blowovers" refers to currants that are immature or hard, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(d) "Damaged" currants means currants affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the currants.

(e) "Sugared" means either external or internal sugar crystals are present and the accumulation of such crystallized fruit sugars in the flesh of the dried currant or on the surface are readily apparent.

(f) "Moldy" currants are those that show mold on more than one-fourth of the surface when ascertained in accordance with the following method:

(1) Currents showing catalase activ-(For use on currants where catalase activity has not been destroyed by treatment with lye, oil, or heat) Count out 100 currants from a well-mixed sample and place 10 or 15 at a time in a crystallizing dish. Cover each lot with a fresh solution made up to contain 5 percent hydrogen peroxide and 1 percent NHOH. The moldy areas are detected by the presence of copious oxygen bubbles. Place the crystallizing dish over black glazed paper to give greater contrast. Confirm the presence of mold filaments microscopically. Do not class as "moldy" currants, those in which yeasts also give a reaction with hydrogen peroxide.

(g) "Grit, sand, or silt" means any particle of earthy material.

¹Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

WORK SHEET

§ 52.985 Work sheet for dried currants.

Size of case or package			
	A	В	
Similar varietal characteristics			
Devects	A	В	
	Maximum		
Pieces of stem	324 ozs.	He ozs.	
	Maximum (by weight) (percent)		
Currants with capstems	<u>1</u>	2 2 3 10	
	Maximum (by	count) (percent)	
Moldy currants Damaged by fermentation: Affecting appearance or edibility. Grit, sand, or silt: Affecting appearance or edibility		No more than slightly affected. None of any conse- quence.	
Grade			

Dated: June 23, 1955.

[SEAL]

ROY W LENNARTSON, Deputy Administrator, Marketing Services.

[F. R. Doc. 55-5148; Filed, June 27, 1955; 8:54 a. m.]

'I 7 CFR Part 52 1'

CONCENTRATED TANGERINE JUICE FOR MANUFACTURING

UNITED STATES STANDARDS FOR GRADES 1

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Concentrated Tangerine Juice for Manufacturing pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., T.U. S. C. 1621 et seq.) This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the Federal Register.

The proposed standards are as follows:

PRODUCT DESCRIPTION AND GRADES

Sec. 52.2931 Product description.

52.2931 Froduct description.
52.2932 Grades of concentrated tangerine juice for manufacturing.

FILL OF CONTAINER

52.2933 Recommended fill of container.

FACTORS OF QUALITY

52.2934 Ascertaining the grade. 52.2935 Ascertaining the rating for the factors which are scored. 52.2936 Color.

52.2936 Color. 52.2937 Defects. 52.2938 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.2939 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.2940 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2941 Score sheet for concentrated tangerine juice for manufacturing.

AUTHORITY: §§ 52.2931 to 52.2941 Issued under Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.2931 Product description. Concentrated tangerine juice for manufacturing is the concentrated product obtained from sound, mature fruit of the Mandarin group (Citrus reticulata). The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated tangerine juice is processed in accordance with good commer-

cial practice; and may or may not require processing by heat or subsequent refrigeration to assure preservation of the product. The finished product does not contain any additives except that coldpressed oil to standardize flavor and chemical preservatives permissible under provisions of the Federal Food, Drug, and Cosmetic Act may have been added.

(a) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated tangerine juice for manufacturing:

District of the same	Brix value of the finished	
Dilution factor	Minimum Brix value	Maximum Brix valuo
1 plus 3	Degrees 38.0 46.0 53.3 60.3	Degrees 41.0 49.0 60.3 63.3

(b) Concentrated tangerine juice for manufacturing of other dilution factors between "1 plus 3" to "1 plus 6" or more than "1 plus 6" shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 10.6 degrees.

§ 52.2932 Grades of concentrated tangerine juice for manufacturing. (a), "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of concentrated tangerine juice which shows no material gelation, reconstitutes properly, and of which the reconstituted juice possesses a good color is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C for Manufactur-

(b) "U. S. Grade C for Manufacturing" or "U. S. Standard for Manufacturing" is the quality of concentrated tangerine juice which shows no material gelation, reconstitutes properly, and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard for Manufacturing" is the quality of concentrated tangerine juce that fails to meet the requirements of U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing.

FILL OF CONTAINER

§ 52.2933 Recommended fill of container The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated tangerine juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2934 Ascertaining the grade. The grade of concentrated tangerine juice for manufacturing is ascertained

¹ Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

by examining the concentrate and the reconstituted juice and considering all requirements of the standards as follows:

- (a) Factors not rated by score points. (1) Degree of gelation.
- (2) Faculty of reconstituting properly.
- (b) Factors rated by score points. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	conts
Color	20
Defects	40
Flavor	40
Total score	100

§ 52.2935 Ascertaining the rating for the factors which are scored. The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.2936 Color—(a) (A-Mfg) classification. Concentrated tangerine junce of which the reconstituted juice possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color is a reasonably bright yellow to yellow-orange color typical of properly processed and properly concentrated tangerine juice and is practically free from browning due to scorching, oxidation, caramelization, or other causes.

(b) (C-Mfg) classification. If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be Concentrated tangerine juice given. that falls into this classification shall not be graded above U.S. Grade C for Manufacturing or U.S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting "Fairly good color" means that rule) the tangerine juice may possess a typical fairly bright yellow to yellow-orange color that is reasonably free from brownang due to scorching, oxidation, caramelization, or other causes.

(c) (SStd-Mfg) classification. Concentrated tangerine juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing. regardless of the total score for the product (this is a limiting rule)

§ 52.2937 Defects—(a) General. The factor of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, and from other defects.

(1) "Pulp" means particles of membrane, core, and peel.

(b) (A-Mfg) classification. Concentrated tangerine juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass

through round perforations not exceeding 1/8 inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or edibility of the product.

(2) Juice cells and pulp that do not materially affect the appearance or edibility of the product; and

(3) Other defects that are not more than slightly objectionable.

(c) (C-Mfg) classification. If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be Concentrated tangerine juice that falls into this classification shall not be graded above U.S. Grade C for manufacturing or U.S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding % inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or edibility of the product;

(2) Juice cells and pulp that do not seriously affect the appearance or edibility of the product; and

(3) Other defects that are not ma-

terially objectionable.

(d) (SStd-Mfg) classification. Concentrated tangerine juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule)

§ 52,2938 Flavor—(a) (A-Mfg) classification. Concentrated tangerine juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated tangerine juice from properly processed and concentrated tangerine juice; that the flavor may range from high acidity to low acidity; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the concentrated tangerine juice shall meet the following requirement: The ratio of the Brix value to acid is not less than 9 to 1 nor more than 18 to 1.

(b) (C-Mfg) classification. If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be Concentrated tangerine juice that falls into this classification shall not be graded above U.S. Grade C for Manufacturing or U.S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting "Fairly good flavor" means a norrule) mal flavor for reconstituted concentrated tangerine juice; and that the flavor may range from high acidity to low acidity, may have a slightly caramelized or slightly oxidized flavor or may possess traces of terpene but is free from offflavors of any kind. To score not less than 28 points concentrated tangerine juice shall meet the following requirement: The ratio of the Brix value to

acid is not less than 9 to 1 nor more than 21 to 1.

(c) (SStd-Mfg) classification. If the concentrated tangerine juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Concentrated tangerine juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule)

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2939 Explanation of terms and analyses. (a) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the concentrated tangerine juice with a stated volume of water. For example, a dilution factor of "1 plus 6" means that to one part by volume of concentrated tangerine juice 6 parts by volume of water are added to produce a reconstituted juice. In the absence of any declared dilution factor the product is diluted with water to a Brix of between 10.6 and 11.6 degrees. Distilled water is used in reconstituting the product for testing flavor.

(b) "Reconstitutes properly" means that the concentrate mixes readily into a tangerine juice which shows no more than a slight graininess and that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder of approximately 250 ml. capacity.

(c) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in concentrated tangerine juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(d) "Brix value" of the concentrate is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See table I for corrections.)

TABLE I-CORRECTIONS FOR OBTAINING BEIX VALUE

Citric acid, anhydrous (percent by weight)	Correction to be added to refractom- eter sucrose value to ob- tain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractom- eter sucrosa value to ob- tain degree Bax value
2.0	0.39 -43 -47 -51 -54 -53 -62 -66	3.6	0.70 -74 -75 -83 -83 -83 -97

(e) The "Brix" of reconstituted juice means the degree Brix as determined by a Brix hydrometer calibrated at 20 degrees C. (68° F.) and to which any applicable temperature correction has been applied.

LOT CERTIFICATION TOLERANCES

§ 52,2940 Tolerances for certification of officially drawn samples. (a) When certifying samples that have been officially drawn and which represent a specific lot of concentrated tangerine juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if,

(1) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and

(2) With respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores:

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2941 Score sheet for concentrated tangerine juice for manufacturing.

Container mark or identification Label (including reconstitution factor) Liquid measure (fluid ounces) Net weight Brix value of concentrate (corrected for acid) Anhydrous citric acid in concentrate (percent by weight) Weight) Recoverable oil (mi./100 grams) Recoverable oil (mi./100 grams) Reconstitutes properly: (Yes) (No)			
Factors		Score points	
Color	20	(A-Mfg) 17-20 (C-Mfg) 114-16 (SStd-Mfg) 10-13	_
Defects	40	(A-Mfg) 34-40 (C-Mfg) 128-33 (SStd-Mfg) 10-27	
Flavor	40	(A-Mig) 34-40 (C-Mig) 128-33 (SStd-Mig) 10-27	
Total score	100		
Grade for manufacturing			

¹ Indicates limiting rule.

Size and kind of container

Dated: June 23, 1955.

[SEAL]

ROY W LENNARTSON, Deputy Administrator Marketing Services.

[F. R. Doc. 55-5146; Filed, June 27, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

I 18 CFR Parts 154, 157 I

[Docket No. R-145]

RATE SCHEDULES AND TARIFFS; APPLICA-TIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

JUNE 15, 1955.

1. Notice of proposed rulemaking was given the above-entitled matter on June

1, 1955. Said notice was published in the Federal Register on June 22, 1955 (20 F R. 4368)

2. In addition to the amendments to Part 154 of its regulations listed in paragraph 2 of that notice, the Commission proposes to amend § 154.63 (b) (3) (i) (e) (1) relating to the test period to be used in submitting material in connection with rate increase applications. The present rule provides that a company may adjust the figures based upon its most recent 12 months' actual experience to reflect known and measurable revenues and costs which will occur within seven months thereafter. It seems entirely reasonable to increase to eight months the seven-month limit on estimates in the present rule.

3. Pursuant to the authority vested in it by sections 4 and 16 of the Natural Gas

Act (15 U. S. C. 717c, 717o) the Commission proposes to amend the first sentence of § 154.63 (b) (3) (i) (e) (1), captioned "Test period," by changing the words "effective within seven months" to read "effective within eight months."

4. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before July 5, 1955, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before acting upon the proposed amendments. An original and 9 copies should be filed of any such submittals.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc: 55-5108; Filed, June 27, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

AT.ASTEA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 20, 1955.

An application, serial number Fairbanks 012347, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on April 8, 1955, by Alaska Road Commission.

The purposes of the proposed with-drawal: Administrative Site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

A tract of land adjoining the present Alaska Road Commission administrative site contained in U. S. Survey 2778, located on the Richardson Highway at Big Delta, more particularly described as follows:

Starting at U. S. Location Mon. No. 2727 which bears S. 76° 41' E., 347.22 feet (BLM tie) from P. I. Station 2065+84.8 on Richardson Highway, identical with P. I. Station 8+74.2 on Alaska Highway; thence S. 15° 07' E., 113.86 feet to Corner No. 1, identical with Corner No. 1 of U. S. Survey No. 2778,

and the point of beginning of this survey; thence N. 74° 53′ E. for a distance of 150.02 feet to corner No. 2; thence on a curve to the right, having a radius of 5570.58 feet to a point which is 150 feet left and at a right angle from P. C. Station 2064+15.0, Richardson Highway; thence S. 10° 02′ E. for a distance of 468.97 feet to Corner No. 3; thence S. 79° 58′ W. for a distance of 153.18 feet to Corner No. 4, identical with Corner No. 2 of U. S. Survey No. 2778; thence N. 10° 02′ W. for a distance of 660.00 feet to Corner No. 1 and the point of beginning, said tract containing 2.34 acres, more or less.

Lowell M. Puckett, Area Administrator

[F. R. Doc. 55-5136; Filed, June 27, 1055; 8:52 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 15, 1955.

The Fish and Wildlife Service, U. S. Department of the Interior, has filed an application, Serial No. Sacramento 048400, for the withdrawal of the lands described below from all forms of appropriation except the Mineral Leasing Laws.

The applicant desires the land for the purpose of protecting public access to Topaz Lake, in Mono County.

For a period of 30 days from the date of the publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at room 801, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate copy will be sent to each interested party of record.

The lands involved in the application

MOUNT DIABLO MERIDIAN

T. 9 N., R. 22 E. Sec. 2, W½NW¼, NW¼SW¼. T. 10 N., R. 22 E. Sec. 34, SW¼NE¼, NW¼SE¼.

The areas described contain approximately 200.40 acres of public land.

L. T. Hoffman, State Supervisor.

[F. R. Doc. 55-5105; Filed, June 27, 1955; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 16, 1955.

The Fish and Wildlife Service, Department of the Interior, has filed an application, Serial No. Sacramento 048776, for the withdrawal of the lands described below from all forms of appropriation except the mineral leasing laws.

The applicant desires the land for the purpose of managing it for the public hunting of Band-Tailed Pigeons.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at room 801, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 7 W., Sec. 34, N½, N½SW½, N½SE½SW¼, W½ SW¼SW¼, W½E½SW¼SW¼, NW¼ SE¼, NE¼NE½SE¼, W½E½SE¼, N½ SW¼SE¼, N½S½SW¼SE¼.

The area described contains 570 acres of public land.

L. T. Hoffman, State Supervisor

[F. R. Doc. 55-5106; Filed, June 27, 1955; 8:45 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 20, 1955.

An application, serial number W-02114, for the withdrawal from all forms of appropriation under the public land laws, including mining and mineral leasing laws, and leasing for grazing purposes of the lands described below was filed on March 21, 1955, by Corps of Engineers, U. S. Army Walla Walla District, Walla Walla, Washington. The purposes of the proposed withdrawal: For use by the Atomic Energy Commission, Hanford Operations.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor Area I, Bureau of Land Management, Department of the Interior, at room 209, Federal Building, Spokane, Washington. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application

WASHINGTON

WILLAMETTE MERIDIAN

T. 10 N., R. 27 E.,
Sec. 14, NE!\(\) Sec. 4, E!\(\) NE!\(\) NE!\(\) Sec. 18, Lots 1 to 4, inclusive, E!\(\) W!\(\) Sec. 18, Lots 1 to 4, inclusive, E!\(\) W!\(\) Sec. 18, Lots 1 to 4, inclusive, E!\(\) W!\(\) Sec. 18, Lots 1 to 4, inclusive, E!\(\) W!\(\) Sec. 28, all.

T. 13 N., R. 24 E.,
Sec. 28, N!\(\) NE!\(\) SE!\(\) NE!\(\) NE!\(\) Sec. 18, N!\(\) NE!\(\) SE!\(\) NE!\(\) NE!\(\) NE!\(\) Sec. 2, all;
Sec. 2, all;
Sec. 10, all;
Sec. 14, all;
Sec. 24, all;
Sec. 25, N!\(\) NE!\(\) SE!\(\) SW!\(\) SW!\(\) SE!\(\) SEC. 10, all;
T. 11 N., R. 26 E.,
Sec. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, all.

T. 13 N., R. 26 E.,

Sec. 14 NW 4NE 4, E1/2NW 4, S1/2S1/2, Sec. 28, S1/2N/2, S1/2. T. 13 N. R. 26 E., Sec. 32, all; Sec. 34, all. T. 14 N. R. 26 E.

T. 14 N., R. 26 E., Sec. 12, Lots 3 and 4; Sec. 28, SW!(SE!). T. 12 N., R. 27 E.

T. 12 N., R. 27 E., Sec. 4, S½SE¼, Sec. 6, Lots 6 and 7, SE¼SW¼, Sec. 18, all:

Sec. 18, all; Sec. 20, all; Sec. 30, all. T. 13 N., R. 27

T. 13 N., R. 27 E., Sec. 18, Lots 1 to 4, inclusive. T. 14 N., R. 27 E.,

Sec. 20, Lot 3; Sec. 34, Lots 6 and 9.

The area described aggregates approximately 24,010.62 acres.

In the event the proposed withdrawal is approved, it will take precedence over, and supersede, Land Orders No. 202 and No. 204, published in the Federal Recister of January 21, 1944, page 797, and of February 8, 1944, page 1536, respectively, which withdrew some 22,940.64

acres of the lands described above, until six months after the expiration of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647).

> J. M. Honeywell, State Supervisor.

[F. R. Doc. 55-5104; Filed, June 27, 1955; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to Section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U.S.C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates, issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 FR 2304)

Angus Manufacturing Co., 364 North Thomas Street, Athens, Ga., effective 6-17-55 to 6-16-56, 10 percent of the total number of factory production workers for normal labor turnover numbers (work for north etc.)

labor turnover purposes (work pants, etc.).
Edmonton Manufacturing Co., Edmonton,
Ky., effective 6-20-55 to 12-19-55, 20 learners for plant expansion purposes (work
clothing).

Exmore Shirt Co., Inc., Exmore, Va., effective 6-23-55 to 6-22-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Fairmont Manufacturing Co., Inc., P. O. Box 413, Fairmont, N. C., effective 6-21-55 to 12-20-55, 10 learners for plant expansion purposes (ladies' nightgowns, pajamas, etc.).

Fairmont Manufacturing Co., Inc., P. O. Box 413, Fairmont, N. C., effective 6-21-55 to 6-20-56, 10 learners for normal labor turnover purposes (ladies' nightgowns, pajamas, etc.).

Hagale Garment Co., Ozark, Mo., effective 7-1-55 to 6-30-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work pants, clacks, etc.)

Industrial Garment Manufacturing Co., 201 East Oak Street, Palestine, Tex., effective 7-2-55 to 7-1-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

clothing).

Lehigh Garment Co., Inc., 201 Bridge
Street, Jecuup, Pa., effective 7-5-55 to 7-4-56,
6 learners for normal labor turnover purposes
(children's outerwear).

4550 NOTICES

P & M Dress Co., Main Street, Shenandoah, Pa., effective 6-21-55 to 6-20-56, 3 learners for normal labor turnover purposes (dresses). Tex Manufacturing Co., Inc., 1706 Texas Street, El Paso, Tex., effective 6-17-55 to 6-16-56, 10 learners for normal labor turnover purposes (work pants, etc.).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304)

Boss Manufacturing Co., Kewanee, Ill., effective 6-16-55 to 9-18-55, 10 percent of the total number of machine stitchers or ten learners, whichever is greater, for normal labor turnover purposes (work gloves) (replacement certificate).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304)

The Alden Mills, Independence, La., effective 6-17-55 to 12-16-55, 20 learners for plant expansion purposes (seamless).

expansion purposes (seamless).

Batesville Co., Batesville, Miss., effective 6-18-55 to 6-17-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Batesville Co., Batesville, Miss., effective 6-18-55 to 12-17-55, 25 learners for plant expansion purposes (seamless).

Humboldt Full-fashioned Hosiery Mills,

Humboldt Full-fashioned Hoslery Mills, Inc., Humboldt, Tenn., effective 6-29-55 to 6-28-56, 5 percent of the total number of factory production workers for normal labor turnover purposes.

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304)

Alco of Texas, Inc., 113 East Concho, San Angelo, Tex., effective 6-20-55 to 6-19-56, 10 percent of the number of productive factory workers for normal labor turnover purposes (synthetic rubber moccasins, etc.).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28; 1955, 20 F R. 645)

Lambert Manufacturing Co., Plant No. 4, Headwear Div., Gallatin, Mo., effective 6-20-55 to 6-19-56; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating; 240 hours at 65 cents an hour (work and sport caps).

an hour (work and sport caps). Palm Beach Co., Blackville, S. C., effective 6-20-55 to 6-19-56; 7 percent of the total number of factory production workers, for normal labor turnover purposes in the occupations of machine operating (except cutting), pressing and handsewing; each 480 hours at 65 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (men's pants).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Knitco (P. R.), Inc., Toa Alta, P. R., effective 6-6-55 to 6-5-56; 44 learners in any one work day in the occupations of looping, Merrow operating, Singer operating, button hole operating, button sewing, machine pressing, and seaming. Learning periods in each occupation: 160 hours at 30 cents an hour; 160 hours at 37½ cents an hour, and 160 hours at 45 cents an hour (sweaters).

Superior Knitting Corp., Aguas Buenas, P. R., effective 6-6-55 to 12-5-55; 15 learners in any one work day in the occupations of topping and knitting; learning periods in each occupation, 160 hours at 30 cents an

hour; 160 hours at 37½ cents an hour, and 160 hours at 45 cents an hour (knitted sweaters).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the Federal Register pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of June 1955.

Milton Brooke,
Authorized Representative of the
Administrator

[F. R. Doc. 55-5107; Filed, June 27, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5132]

LARGE IRREGULAR AIR CARRIER INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July, 7, 1955, at 10:00 a.m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 23, 1955

[SEAL]

Francis W Brown, Chief Examiner

[F. R. Doc. 55-5141; Filed, June 27, 1955; 8:53 a. m.]

[Docket No. 7175]

COMPANIA NACIONAL DE TURISMO AEREO "CINTA LIMITADA"

NOTICE OF HEARING

In the matter of the application of Compania Nacional de Turismo Aereo "Cinta Limitada" for a foreign air carrier permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, between the terminal points Santiago, Chile, and Miami, Florida, via the intermediate points Antofagasta, Chile, Arica, Chile, Lima, Peru, Talara, Peru (operational stop only) Panama, Panama, and Havana, Cuba.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said Act, that a hearing in the above-entitled proceeding will be held on July 11, 1955, at 10:00 a.m., e. d. s. t., in room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue

NW., Washington 25, D. C., before Curtis C. Henderson, Hearing Examiner.

Without limiting the scope of the issues presented by the applicant, particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.

- 2. Whether the applicant is fit, willing, and able to perform the proposed air transportation and conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.
- 3. Whether authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Chile.

For further details as to the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before July 11, 1955, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., June 22, 1955.

[SEAL]

FRANCIS W BROWN, Chief Examiner

[F. R. Doc. 55-5142; Filed, June 27, 1955; 8:53 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[Organization Order DTA 1, as Amended June 27, 1955]

TERMINATION OF DEFENSE TRANSPORT AD-MINISTRATION AND TRANSFER OF FUNC-TIONS TO INTERSTATE COMMERCE COM-MISSION

Pursuant to section 703 of the Defense Production Act of 1950, as amended, section 602 of Executive Order 10480, as amended, and paragraph 4 of Defense Mobilization Order I-7, as amended, and as the Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the bureau which administers the car servece functions of the Commission as set forth in paragraphs 10 to 17, inclusive, of section 1 of the Interstate Commerce Act, as amended: It is hereby ordered, That Organization Order DTA 1, as amended, is further amended to read as follows:

1. The Defense Transport Administration, established by Organization Order DTA 1, October 4, 1950 (15 F R. 6728), is hereby abolished, and the functions, powers, responsibilities, and duties of the Administration and said Commissioner are hereby transferred and delegated to the Interstate Commerce Commission for administration and performance by the Commissioner who is responsible for the supervision of the Bureau of Safety and Service of the Commission.

- 2. All orders, rules, regulations, certificates, directives, instructions, delegations, and other official actions relating to any function affected by this order, and all agreements and memoranda of understanding entered into by the Defense Transport Administration, or the Administrator of the Defense Transport Administration, which are in force at the close of business June 30, 1955, shall continue in full force and effect until superseded, amended, or revoked by proper authority.
- 3. Committees established by the Defense Transport Administration, or established under the chairmanship of the Administrator of the Defense Transport Administration with the approval of the other government agencies having representation thereon, and arrangements for representation of the Defense Transport Administration on interagency committees, panels, or working groups, which are in force at the close of business June 30, 1955, shall continue in effect until superseded or terminated by proper authority.
- 4. Any reference to the Defense Transport Administration or to the Administrator of the Defense Transport Administration in any order, rule, regulation, certificate, directive, instruction, delegation, or other official action, which is in force at the close of business June 30, 1955, shall, where required, be deemed to refer and apply respectively to the Interstate Commerce Commission and to the above-mentioned Commissioner.
- 5. There is hereby transferred with the functions transferred and delegated to the Interstate Commerce Commission so much of the personnel, including consultants, property, and records of the Defense Transport Administration as the above-mentioned Commissioner shall determine to be required for the performance by the Commission of the transferred and delegated functions.

This order shall become effective July 1, 1955.

Issued at Washington, D. C., this 27th day of June 1955.

(Secs. 703, 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2153, 2154; sec. 602, E. O. 10480, Aug. 14, 1953; 18 F. R. 4939, 19 F. R. 3807; paragraph 4, DMO I-7, Aug. 14, 1953, 18 F. R. 5366, 6737)

OWEN CLARKE,
Commissioner of the Interstate
Commerce Commission and
Ex Officio Administrator of
the Defense Transport Administration.

[F. R. Doc. 55-5198; Filed, June 27, 1955; 9:36 a. m.]

[Organization Order DTA 3, as Amended; Revocation]

ORGANIZATION AND FUNCTIONS; SUBMITTALS AND REQUESTS

REVOCATION

Organization Order DTA 3, as amended October 23, 1952 (17 F. R. 9706), is hereby revoked.

(Sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. 2154)

This revocation shall be effective June 30, 1955.

Issued at Washington, D. C., this 27th day of June 1955.

OWEN CLARKE,
Administrator,
Defense Transport Administration.
[F. R. Doc. 55-5199; Filed, June 27, 1955;
9:36 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 23, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT-HAUL

FSA No. 30780: Cast iron pipe from Ironton and Provo, Utah. Filed by The Union Pacific Railroad Company for interested rail carriers. Rates on cast iron pipe and fittings, carloads, from Ironton and Provo, Utah to specified points in Montana.

Grounds for relief: Short-line distance formula and circuity. Maintenance of prescribed rates.

Tariff: Supplement 6 to Union Pacific

Railroad tariff I. C. C. 5415.

FSA No. 30781. Fertilizer solutions—Southwest to Central Territory. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on nitrogen fertilizer and fertilizer ammoniating solutions, tankcar loads, from specified points in Arkansas, Louislana, Missouri, Oklahoma, and Texas to specified points in Indiana, Michigan, and Ohlo.

Grounds for relief: Short-line dis-

tance formula and circuity.

Tariff: Supplement 70 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 30782: Lime—Virginia points to West Monroe, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on common lime, hydrated, quick or slacked, straight or mixed carloads, from Kimballton and Ripplemead, Va., to West Monroe, La.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 19 to Agent Kratzmeir's I. C. C. 4021.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary,

[F. R. Doc. 55-5131; Filed, June 27, 1955; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11272, 11273; FCC 55M-561]

TENNESSEE VALLEY BROADCASTRIG CO. (WAGC) AND E. WEARS MCKINNEY-SMITH

ORDER POSTPONING CONFERENCE

In re applications of Gordon W. Gambill, Hubert M. Martin, Humphrey B.

Heywood & R. T. Russell, d/b as Tennessee Valley Broadcasting Co. (WAGC), Fort Oglethorpe, Georgia, Docket No. 11272, File No. BP-9106; E. Weaks McKinney-Smith, Paducah, Kentucky, Docket No. 11273, File No. BP-9268; for construction permits.

On the oral request of counsel for the Broadcast Bureau because of other commitments, and without objection by other counsel: It is ordered, This 22d day of June 1955, that the further conference now scheduled for June 30, 1955, is postponed to Friday, July 1, 1955, at 10:00 a.m., in the offices of the Commission, Washington, D. C.

Federal Communications Commission,

[SEAL] MARY JANE MORRIS, Secretary.

[F. R. Doc. 55-5139; Filed, June 27, 1955; 8:52 a.m.]

[Docket No. 11407; FCC 55M-557]

LOUIS C. BENNETT

ORDER CONTINUING HEARING

In the matter of Louis C. Bennett, New Smyrna Beach, Florida; suspension of restricted radiotelephone operator permit.

The Hearing Examiner having under consideration a motion filed June 20, 1955 by the Chief, Field Engineering and Monitoring Bureau, requesting that the hearing herein now scheduled for June 28, 1955, at Fort Myers, Florida be postponed until further order of the Hearing Examiner; and

It appearing, That it has been tentatively agreed between respondent and Commission counsel that evidence in this proceeding may be submitted by way of written stipulation and affidavit, and that respondent has agreed that the hearing may be postponed as requested:

It is ordered, This 21st day of June 1955, that the motion is granted and that the hearing herein is postponed to a date to be scheduled by the Hearing Examiner in a later order.

Federal Communications Commission,

[SEAL] MARY JANE MORRIS,

Secretary.

[F. R. Doc. 55-5140; Filed, June 27, 1955; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SOYBEANS

SALES OF CERTAIN COMMODITIES; SUPPLE-MENT TO JUNE 1955 DOMESTIC SALES

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the following commodity is available for sale in the quantities stated and on the the price basis set forth; 4552 NOTICES

SUPPLEMENT—JUNE 1955 DOMESTIC SALES LIST (Effective June 15, 1955)

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Soybeans (as available)	Market price, basis in store, but not less than the applicable 1954 support rate. The minimum price applicable to soybeans which have been moved from point of production will reflect the cost of transportation and handling charges. Available Chicago and Minneapolis CSS Commodity Offices.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S. C. 1427, sec. 208, 63 Stat. 901)

Issued: June 22, 1955.

[SEAL]

EARL M. HUGHES, Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-5123; Filed, June 27, 1955; 8: 49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4442, G-4506, G-4508, G-4515-G-4525]

OSTAS BILLER ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 21, 1955.

In the matters of Osias Biller, Docket No. G-4442; Fairman Drilling Company Docket No. G-4506; Stevenson Development, Docket No. G-4508; Bennett's Valley Development Co., Docket No. G-4515; Charles T. Sinnamond, Docket No. G-4516; Congor Gas & Oil Company, Docket No. G-4517; Acme Drilling Company, et al., Docket No. G-4518; Acme Drilling Company, Docket No. G-4519; Lewis Sandri & Lewis Sandri, Agent for Center Units, Docket No. G-4520; Paul E. Kahle, et al., Docket No. G-4521, Charles H. Updegraff, Docket No. G-4522; Pipe Line Construction & Drilling Company Docket No. G-4523, J. F Flangan, Docket No. G-4524, Clearfield Development Corporation, Docket No. G-4525.

Take notice that the above-designated Applicants hereinafter referred to singly and collectively as Applicant, Independent Producers producing natural gas in Pennsylvania filed on October 18 and 21, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas in the State of Pennsylvania and sells in interstate commerce to New York State Natural Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 9, 1955, at 9:40 a.m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: Provided, however That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-5125; Filed, June 27, 1955; 8:49 a. m.]

[Docket Nos. G-4958, G-4971, G-4972, G-4976--G-4983]

BIG RUN OIL AND GAS CO. ET AL.
NOTICE OF APPLICATION AND DATE OF

HEARING

JUNE 21, 1955.

In the matters of Big Run Oil and Gas Company, Docket No. G-4958; Frederick Oil and Gas Company, Docket No. G-4971, W H. Mossor, Docket No. G-4972; Middle Run Oil and Gas Company, Docket No. G-4975; Wade Farm Oil and Gas Company, Docket No. G-4976; Road Run Oil and Gas Company, Docket No. G-4976; Road Run Oil and Gas Company, Docket No. G-4978; Wright Oil and Gas Company, Docket No. G-4978; Wright Oil and Gas Company, Docket No. G-4980; McCune Oil and Gas Company, Docket No. G-4981, Ola O. White Farm Oil and Gas Company, Docket No. G-4981, Ola O. White Farm Oil and Gas Company, Docket No. G-4982; Kidd Oil and Gas Company Docket No. G-4983.

Take notice that the above-designated Applicants hereinafter referred to singly and collectively as Applicant, through W H. Mossor, Agent, and with a principal office in Harrisville, West Virginia, filed on November 18, 1954, applications for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants produce natural gas in Calhoun, Ritchie and Gilmer Counties, West Virginia, and sell it in interstate commerce to Godfrey L. Cabot, Inc., for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 12, 1955, at 9:30 a.m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary,

[F. R. Doc. 55-5109; Flied, June 27, 1955; 8:46 a. m.]

[Docket No. G-5136] M & D OIL Co.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

In the matter of A. S. Megert and A. C. Donell d/b/a M & D Oil Company; Docket No. G-5136.

Take notice that A. S. Megert and A. C. Donell d/b/a M & D Oil Company (Applicant), with a principal place of business in Borger, Texas, filed on November 19, 1954, an application for a certificate of public convenience and necessity pur-

suant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Panhandle Field, Hutchinson County, Texas, and sells it in interstate commerce to Shamrock Oil & Gas Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 12, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-5126; Filed, June 27, 1955; 8:50 a.m.]

[Docket No. G-5140]

WILLIAM F. STEVENS

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that William F. Stevens (Applicant) with a principal office in Denyer, Colorado, filed on November 19, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Big Springs Field, Deuel County, Nebraska, and sells it in interstate commerce to Kansas-Nebraska Natural Gas Company, Inc., for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 12, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the pro-ceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-5127; Filed, June 27, 1955; 8:50 a. m.]

[Docket No. G-7108]

DOUGLAS E. PROCTER, JR., ET AL.

NOTICE OF APPLICATION AND DATE OF
HEARING

JUNE 21, 1955.

Take notice that Douglas E. Procter, Jr., John E. Prothro, Frank Massad, Joy Massad, Glen Massad, A. E. Dennis, W. E. Curtis, D. C. Norcross, John C. Robbins, Dan Spivey, Earnest Level Bartlett, Sr., B. D. Rhodes, Henderson Drilling Company, Roy Gammill, Dorothy R. Sage, and R. G. Ford (Applicant) whose principal place of business is Tyler, Texas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to service as hereinaster described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Waskom Gas Field Area, Harrison County, Texas, and sell it in interstate commerce to Arkansas Louislana Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 11, 1955, at 9:40 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G

Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-5128; Filed, June 27, 1955; 8:50 a.m.]

[Docket No. G-8560]

CLARK C. NYE AND ALPHA PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Clark C. Nye and Alpha Petroleum Corporation (Applicant), with a principal office in Oklahoma City, Oklahoma, filed on March 9, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Northwest Agra Field, Lincoln County, Oklahoma, and sell it in interstate commerce to Cities Service Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and pro-cedure, a hearing will be held on August 9, 1955, at 9:30 a.m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or be4554 NOTICES

fore July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-5129; Filed, June 27, 1955; 8:50 a. m.]

[Docket No. G-8562]

KANSAS-NEBRASKA NATURAL GAS CO.
NOTICE OF APPLICATION AND DATE OF
HEARING

JUNE 21, 1955.

Take notice that Kansas-Nebraska Natural Gas Company (Applicant) a Kansas corporation, whose address is Hastings, Nebraska, filed an application on March 9, 1955, as supplemented on May 20, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and

operate the following facilities:

(1) A town border station to serve Foster, Nebraska;

(2) Approximately 3.6 miles of 2-inch gas pipeline and a town border station to serve Cairo, Nebraska,

(3) Approximately 11.5 miles of 2-inch gas pipeline and a town border station to serve Upland, Nebraska,

(4) Approximately 5.5 miles of 2-inch gas pipeline and a town border station to serve Henderson, Nebraska.

to serve Henderson, Nebraska,
(5) Measuring equipment to serve four alfalfa dehydration plants which are to be located near Wisner, Orleans, Riverdale, and Kearney, Nebraska;

(6) A measuring station to serve a new electric generating station at Ogallala, Nebraska.

(7) Install a 550 H. P compressor together with auxiliary equipment in a new compressor station to be located near Albion, Nebraska; and,

(8) Approximately 9.9 miles of 12-inch gas pipeline to replace approximately 5 miles of existing 12-inch and 8-inch pipeline in Rooks County, Kansas.

The total additional firm peak day demand to be added is 620 Mcf by the third year.

The estimated cost of construction of the proposed facilities is \$191,230, including \$51,350 for the compressor station previously authorized in Docket No. G-1532. This total cost does not include the cost of item (8)—replacement of pipeline in Rooks County, Kansas. Replacement is made necessary by construction of the Webster Dam by the United States Department of the Interior, Bureau of Reclamation. Cost of replacement of the pipeline will be paid for by the United States.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 18, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-5130; Filed, June 27, 1955; 8:50 a. m.]

[Docket No. G-8684]

FLORA A. MAZE GAS Co.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Flora A. Maze Gas Company, through C. W Beecher and L. W Beecher (Apollo, Pennsylvania) Agents, (Applicant) whose principal place of business is Sheridan District, Calhoun County, West Virginia, filed on March 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Sheridan District, Calhoun County West Virginia, and to sell said gas in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1955, at 9:30 a. m., e. d. s. t., in a

Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intormediate decision procedure in cases where a request therefor is made.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 55-5110; Filed, June 27, 1955; 8:46 a. m.]

[Docket No. G-8694]

B. E. TALKINGTON

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that B. E. Talkington (Applicant) an individual whose principal office is Clarksburg, West Virginia filed on March 30, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Murphy District, Ritchie County, West Virginia, and to sell it in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the procedings pursuant to the provisions of \$1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-5111; Filed, June 27, 1955; 8:46 a. m.]

> [Docket No. G-8721] Walter E. Anderson

NOTICE OF APPLICATION AND DATE OF HEARING

June 21, 1955.

Take notice that Walter E. Anderson (Applicant) an individual whose principal office is at Muskegon, Michigan, filed on April 4, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in Garvin County, Oklahoma, and to sell it in interstate commerce to Warren Petroleum Corporation, Cities Service Oil Company, Kerr-McGee Oil Industries, Inc., Oklahoma Natural Gas Company, and The Texas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and pro-cedure, a hearing will be held on August 8, 1955, at 9:50 a.m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a non-contested -hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY. Secretary.

[F. R. Doc. 55-5112; Filed, June 27, 1955; 8:46 a. m.]

No. 125-4

IDocket No. G-87381

PHILLIPS PETROLEUM Co.

NOTICE OF APPLICATION AND DATE OF HEARING

June 21, 1955.

Take notice that Phillips Petroleum Company (Applicant) a Delaware corporation with a principal office in Bartlesville, Oklahoma, filed on April 8, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Golden Trend Area, Garvin County, Oklahoma, and sell it in interstate commerce to Warren Petroleum Corporation, Cities Service Oil Company, Kerr-McGee Oil Industries, Inc., Oklahoma Natural Gas Company and The

Texas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and

to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 11, 1955, at 9: 30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-5113; Flled, June 27, 1955; 8:47 a. m.]

[Docket No. G-8747]

Hudson & Hudson, Inc., et al. NOTICE OF APPLICATION AND DATE OF

JUNE 21, 1955.

Take notice that Hudson & Hudson, Inc., and The First National Bank of Galveston, Trustee (Applicant), whose principal offices are in Fort Worth and Galveston, Texas, respectively, filed on April 11, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Eumont Field, Lea County, New Mexico, and to sell it in interstate commerce to Permian Basin Pipeline

Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 10, 1955, at 9:50 a. m., e. d. s. t., m a. Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY. Secretary.

[P. R. Doc. 55-5114; Filed, June 27, 1955; 8:47 a. m.]

[Docket No. G-8777]

CANON OIL PRODUCTION

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Canon Oil Production (Applicant), whose principal office is in Highland Park, Michigan, filed on April 20, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

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Applicant proposes to produce natural gas in the McKim District, Pleasants County, West Virginia, and sell it in interstate commerce to Hope Natural Gas-Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 10, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

LEON M. FUQUAY. Secretary.

[F. R. Doc. 55-5115; Filed, June 27, 1955; 8:47 a. m.]

[Docket Nos. G-8826, G-8907]

SUNRAY OIL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 22, 1955.

Take notice that Sunray Oil Corporation (Applicant) a Delaware corporation with its principal place of business in Tulsa, Oklahoma, filed on April 28, 1955, in Docket No. G-8826 and on May 16, 1955, in Docket No. G-8907, applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to sell natural gas to United Gas Pipe Line Company as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas and proposes to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No.	Field	Purchaser	Contract date	Price per Mcf
G-8826 G-8907	McFaddin Field, Refugio and Victoria Counties, Tex. North Charco Field, Goliad County, Tex.		Apr. 22, 1955 Dec. 10, 1953	Cents 6.00 6.7132

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 11, 1955, at 12:00 noon, e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of July 1955.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-5116; Filed, June 27, 1955; 8:47 a. m.1

[Docket No. G-8868]

CHAMPLIN REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Champlin Refining. Company (Applicant) with a principal place of business in Enid, Oklahoma, filed on May 6, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Nurse Field, Barber County, Kansas, and to sell it in interstate commerce to Cities Service Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 11, 1955, at 9:50 a. m., e. d. s. t., in a. Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY,

[F. R. Doc. 55-5117; Filed, June 27, 1955; 8:47 a. m.]

[Docket No. G-8976]

PERRY GAS Co.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Perry Gas Company (Applicant), whose principal office is in Triadelphia District, Logan County, West Virginia, filed on May 31, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Triadelphia District, Logan County, West Virginia, and sell in interstate commerce to Hope Natural Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 10, 1955, at 9:30 a.m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 55-5118; Filed, June 27, 1955; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

- [File No. 24D-1357]

STAR URANIUM CO.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 22, 1955.

I. Star Uranium Company, 404 Boston Building, Salt Lake City, Utah, having filed with the Commission on August 2, 1954, a Notification on Form 1-A, relating to a proposed public offering of 6,000,000 shares of 1-cent par common stock at 5 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that a consent order was entered on April 18, 1955, in the United States District Court for the District of Utah, permanently enjoining Ned J. Bowman Company, the principal underwriter of the securities proposed to be offered hereunder, from further violations of the registration provisions of section 5 of the Securities Act of 1933, as amended, in connection with the purchase and sale of the securities of Lavender Uranium Corporation; and

It appearing necessary and appropriate in the public interest and for the protection of investors to deny the exemption under Regulation A under said act:

III. It is ordered, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be

designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Star. Uranum Company Metos & Co., 404 Boston Building, Salt Lake City, Utah, and Ned J. Bowman Company, 10 West Second South Street, Salt Lake City, Utah, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the Federal Register.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secertarii.

[F. R. Doc. 55-5122; Filed, June 27, 1955; 8:49 a. m.]

[File No. 24D-1404]

AMALGAMATED URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMP-TION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 22, 1955.

I. Amalgamated Uranium Corporation, 218 Atlas Building, Salt Lake City, Utah, having filed with the Commission on September 1, 1954, a Notification on Form 1-A, relating to a proposed public offering of 2,500,000 shares of 3 cents par common stock at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that a consent order was entered on April 18, 1955, in the United States District Court for the District of Utah, permanently enjoining Ned J. Bowman Company, the principal underwriter of the securities proposed to be offered hereunder, from further violations of the registration provisions of section 5 of the Securities Act of 1933, as amended, in connection with the purchase and sale of the securities of Lavender Uranium Corporation; and

It appearing necessary and appropriate in the public interest and for the protection of investors to suspend the exemption under Regulation A under said act:

III. It is ordered, Pursuant to Rule 223
(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the

purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Amalgamated Uranium Corporation and Ned J. Bowman Company, 10 West Second South Street, Salt Lake City, Utah, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 55-5121; Filed, June 27, 1955; 8:48 a. m.]

[File No. 70-3376]

CONSOLIDATED NATURAL GAS CO. ET AL.

ORDER AUTHORIZING EORROWING BY PARENT FROM BANKS; REFUNDING OF SUBSIDI-ARIES' SHORT-TERM NOTES OWING PARENT BY ISSUANCE AND SALE OF COMMON STOCK AND LONG-TERM NOTES; AND ISSUANCE AND SALE OF SHORT-TERM NOTES BY SUB-SIDIARIES AND ACQUISITION THEREOF BY PARENT

JUNE 22, 1955.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, the River

Gas Company.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly owned subsidiaries, the East Ohio Gas Company ("East Ohio") Hope Natural Gas Company ("Hope"), the Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and the River Gas Company ("River"), have filed a joint applicationdeclaration and amendments thereto with this Commission pursuant to sections 6 (b), 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 thereunder as applicable to various proposed transactions including those summarized as follows:

Consolidated and its subsidiaries propose to replace \$22,500,000 of short-term notes of the subsidiaries, owing the parent, and to carry out additional long-term financing by the subsidiaries for construction purposes, by the issuance to Consolidated of long-term notes and shares of capital stock of the subsidiaries in the amounts as indicated in the following tabulation:

Сетрэпу	Common stock	Notes
East Ohio	IS10.660.660	\$3,500,000 4,500,000 3,500,000 100,000
Total	14,000,000	<u> </u>

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The shares of capital stock will be issued for cash equal to the par value thereof. The long-term notes will be non-negotiable promissory notes bearing an interest rate of 3 percent per annum payable semi-annually, which rate is the same as that borne by the debentures last issued by Consolidated.

The maturity dates of the proposed long-term notes are as follows:

East Ohio's notes will mature at the rate of \$500,000 on July 31, in each of the years 1964 through 1970; Hope's notes will mature at the rate of \$250,000 on July 31 in each of the years 1961 through 1974, and at the rate of \$500,000 on July 31 in the years 1975 and 1976; Peoples' notes will mature at the rate of \$250,000 on July 31 in each of the years 1960 through 1973, River's notes will mature at the rate of \$5,000 on July 31 in each of the years 1950 through 1971, and \$15,000 on July 31, 1972 and \$20,000 on July 31, 1973.

Consolidated also proposes to borrow from banks a total of up to \$20,000,000 during 1955, in order to finance the temporary cash requirements of subsidiaries in connection with the purchase of gas for underground storage. Consolidated's borrowings will be made, without collateral and without a commitment fee, at a 3 percent interest rate upon a promissory note or notes having a maturity of not more than 12 months from the date of the first borrowing with the right of prepayment at any time without penalty. In turn, Consolidated will loan the \$20,000,000 to the subsidiaries and in amounts as follows: East Ohio, \$4,000,000; Hope, \$4,000,000; New York State, \$11,500,000 and Peoples, \$500,000. These loans to subsidiaries will be on short-term promissory notes having a maturity date on or before the time of maturity of Consolidated's first borrowing and will bear a 3 percent interest rate.

It is represented that no State Commission or Federal Commission other than this Commission has jurisdiction over the issuance and sale of notes by Consolidated, the \$4,000,000 principal amount of short-term notes by East Ohio, the \$10,000,000 of common stock and \$11,500,000 of short-term notes by New York State and the \$500,000 of short-term notes by Peoples. The issuance and sale of \$3,500,000 of long-term notes by East Ohio and \$100,000 of longterm notes by River have been authorized by the Public Utilities Commission of Ohio; the issuance and sale of \$4,-500,000 of long-term notes and \$4,000,-000 of short-term notes by Hope have been authorized by the Public Service Commission of West Virginia; and the issuance and sale of \$4,000,000 of common stock and \$3,500,000 of long-term notes by Peoples have been authorized by the Pennsylvania Public Utility Commission.

The fees and expenses to be incurred in connection with the above transactions and also the sale by Consolidated of additional shares of its capital stock with respect to which the Commission by order dated May 24, 1955, permitted the declaration herein to become effective, except for the reservation of jurisdic-

tion over fees and expenses, are estimated to aggregate \$225,463, including counsel fees of \$3,500 and accountants fees of \$4,500, all of which will be paid by Consolidated except for \$20,400 of taxes to be paid by the subsidiaries.

Applicants-declarants request that the Commission's order to be entered herein become effective upon issuance.

Due notice having been given of the filing of the joint application-declaration and a hearing not having been requested of or ordered by the Commission: and the Commission having exammed the filing and finding that the applicable provisions of the act and the rules thereunder are satisfied, that the estimated fees and expenses are not unreasonable, and that no adverse findings are necessary in respect of the proposed issuance, sale and acquisition of securities described above; and the Commission deeming it in the public interest and in the interest of investors and consumers that said joint application-declaration, insofar as it relates to the issuance, sale and acquisition of said securities should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint application-declaration, as amended, to the extent not heretofore permitted to become effective by the Commission's order of May 24, 1955, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to fees and expenses in the aforesaid order of May 24, 1955 be, and the same hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 55-5120; Filed, June 27, 1955; 8:48 a. m.]

[File No. 70-3389]

AMERICAN NATURAL GAS CO. AND AMERICAN LOUISIANA PIPE LINE CO.

NOTICE OF FILING OF APPLICATIONS AND DECLARATION REGARDING ISSUE AND SALE BY PARENT OF COMMON STOCK AND ISSUE AND SALE BY SUBSIDIARY OF COMMON STOCK AND BONDS AND ORDER FOR HEARING

JUNE 22, 1955.

Notice is hereby given that American Natural Gas Company ("American Natural") a registered holding company, and its interstate natural gas pipeline subsidiary, American Louisiana Pipe Line Company ("American Louisiana"), have filed with this Commission applications and a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") Applicants-declarants have designated sections 6 (a) 6 (b) 7, 9, 10, and 12 (f) of the act and Rules U-43 and U-50 as applicable to the proposed transactions.

All interested persons are referred to the applications and declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

(1) American Natural proposes to issue and sell 736,856 additional shares of its authorized but unissued shares of \$25 par value common stock, pursuant to a rights offering to its common stockholders, on the basis of one share of such additional stock for each five shares held. The date of the offering and expiration thereof are to be determined by American Natural prior to the offering. The subscription price is also to be determined by American Natural prior to the offering and will be lower than the market price then prevailing for outstanding shares of American Natural's common stock on the New York Stock Exchange.

To effectuate the issue and sale of such additional shares, transferable sub-scription warrants will be issued to holders of outstanding common stock evidencing a number of rights equal to the number of outstanding shares of common stock held, and five rights will be required for the purchase of each share of additional common stock. American Natural will make arrangements with its New York transfer agent, The First National City Bank of New York, under which the transfer agent will, without service charge to stockholders, attempt to execute purchase or sale orders of stockholders designed to (a) round out the stockholders' interest to multiples of the number of rights required for the purchase of one additional share of common stock or (b) dispose of rights when they are insufficient to permit purchase of one such share.

Each holder of outstanding shares of American Natural common stock will also be given the privilege of subscribing, at the subscription price, for any number of shares of the additional common stock not purchased through the exercise of rights, subject to allotment,

exercise of rights, subject to allotment.
For purposes of facilitating the offering, American Natural may stabilize the price of its common stock. Stabilization transactions, if any, will be effected by the purchase of shares of such stock on the stock exchanges where listed or traded, in the open market, or otherwise. Stabilization transactions, if commenced, may be terminated at any time, and in any case not later than the expiration of the warrants. American Natural will at no time acquire a long position in shares of its common stock in excess of ten per cent of the number of additional shares of common stock being offered to the stockholders. Shares acquired through stabilization transactions will be sold in ordinary brokerage transactions on the New York Stock Exchange.

Of the proceeds received from the sale of the additional common stock, the sum of \$20,000,000 is to be invested in common stock of American Louisiana, and the remainder is to be invested in other subsidiaries pursuant to further and future applications.

(2) American Louisiana proposes to issue and sell, and American Natural proposes to acquire, 200,000 shares of authorized but unissued \$100 par value common stock for \$20,000,000 cash.

American Natural has been previously authorized to acquire 5,000 shares of \$100 par value common stock of American Louisiana, 4,000 shares of which have been issued and are held by American Natural, and the remaining 1,000 shares of which are soon to be issued pursuant to such authorization.

(3) American Louisiana also proposes to issue and sell, pursuant to bond purchase agreements entered into in February and March 1954, as amended in March 1955, \$97,500,000 principal amount of First Mortgage Pipe Line Bonds, 41/4 percent Series, due not later than January 1, 1977, of which \$87,750,-000 will be sold to Metropolitan Life Insurance Company ("Metropolitan") and \$9,750,000 will be sold to the Mutual Life Insurance Company of New York ("Mu-The bonds are to be issued under and secured by a Mortgage and Deed of Trust between the company and City Bank Farmers Trust Company and Marc A. Rieffel, as trustees. The bonds are to be issued and sold from time to time as funds are required, in not more than nine lots of which no lot shall be less than \$10,000,000. A commitment fee at the rate of ½ of 1% per annum on the principal amount of bonds sold from time to time, computed in each instance from a specified date in February 1954 to the dates of sale of the bonds, is to be paid. In addition, a like commitment fee is to be paid on any amount of bonds unsold on July 1, 1957 or on the final closing date, whichever is the earlier. The company has the right, on or prior to July 1, 1957, to reduce, pro rata, the total commitment upon 30 days' written notice. The bonds will be subject to a sinking fund designed to retire the entire issue by the maturity date, or by the "date of exhaustion of firm gas supply" determined from time to time as provided in the mortgage, whichever date is the earlier.

The net proceeds received by American Louisiana from the sale of its common stock (\$20,500,000, including \$500,000 previously authorized by this Commission) and bonds (\$97,500,000) are to be used to provide the major portion of the \$130,000,000 estimated to be required for the construction of a natural gas pipe line system which will extend from southern Louisiana to Detroit, Michigan for purposes of supplementing the gas supply of Michigan Consolidated Gas Company and Michigan-Wisconsin Pipe Line Company, subsidiaries of American Natural. The balance of \$12,000,000 will be obtained from the issue and sale of \$12,000,000 principal amount of interim notes convertible, at the option of the company, into preferred stock. The issue and sale of the interim notes will be the subject of a further application to this Commission.

The Federal Power Commission has issued a certificate of public convenience and necessity for the construction of the pipeline system; and, in connection therewith, has found the proposed plan of financing thereof to be satisfactory for purposes of its issuance of such certificate.

American Louisiana requests that the proposed issue and sale of common stock

and bonds by it be exempted from the requirements of sections 6 (a) and 7 of the act, pursuant to the provisions of the last clause of the third sentence of section 6 (b) thereof. It requests an exception from the competitive bidding requirements of Rule U-50, pursuant to the provisions of subparagraph (a) (5) thereof, with respect to the issue and sale of its bonds.

The applications and declaration state that in the opinion of counsel no further approval of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to the applications and declaration, and that the applications and declaration should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That, pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, a hearing with respect to the applications and declaration be held on July 11, 1955, at 10:00 a.m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington, D. C. On said date the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before July 8, 1955, a request relative thereto as provided by Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the applications and declaration which he desires to controvert.

It is further ordered, That James G. Ewell, or any other officer of the Commission designated by it for that purpose, shall preside at such hearing, and that the officer so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the applications and declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to the designation of additional matters and questions upon further examination:

1. Whether the issue and sale by American Natural of its common stock satisfy the standards of section 7 of the

2. Whether the issue and sale by American Louisiana of its common stock and of its bonds are solely for the purpose of financing its business.

3. What terms and conditions, if any, should be imposed in the public interest, or for the protection of investors or consumers, in respect of the proposed issue

and sale by American Louisiana of its stock and of its bonds.

4. Whether, in connection with the proposed issue and sale by American Louislana of its bonds, compliance with the competitive bidding requirements of Rule U-50 is unnecessary to aid the Commission to determine such terms and conditions as may be appropriate in the public interest or the interest of investors or consumers.

5. Whether the proposed acquisition of the common stock of American Louisiana by American Natural is in accord with applicable standards of the act, particularly section 10 thereof.

6. Whether the fees, commissions, or other remuneration to be incurred in connection with the proposed issuances and sales of securities are for necessary services and are reasonable in amounts.

7. Whether the accounting entries to record the proposed transactions are proper, conform with sound accounting principles, and meet the requirements of the act.

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order, by registered mail, on American Natural, American Louislana, and the Federal Power Commission; that this notice and order be published in the Federal Register; and that a general release of the Commission in respect of this notice and order shall be distributed to the press and mailed to the persons appearing upon the Commission's mailing list for releases under the act.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 55-5119; Filed, June 27, 1955; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MATILDA KRSTINA MATULIC-MARKOV

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Matilda Kratina Matulic-Markov, Dragove, Croatia, Yugoslavia, Claim No. 58360; \$354.36 in the Treasury of the United States.

Executed at Washington, D. C., on June 17, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 55-5133; Filed, June 27, 1955; 8:51 a. m.]

4560

Kimiyo Sasada

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any

increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

NOTICES

Claimant, Claim No., Property, and Location

(Miss) Kimiyo Sasada, 416 Hattori, Toyonaka City, Osaka, Japan, Claim No. 59573, Vesting Order No. 16552; \$179.07 in the Treasury of the United States. Executed at Washington, D. C., on June 17, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-5134; Filed, June 27, 1955; 8:51 a. m.]